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## Zoning Ordinance City of Archdale

### Article I. PURPOSE, AUTHORITY AND TITLE

#### **Section 1.1    Purpose**

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and for the purpose of (1) Promoting the public health, safety, morals, and general welfare; (2) Promoting the orderly growth and development of the City of Archdale and the surrounding area; (3) Lessening congestion in the street and roads; (4) Providing adequate light and air; (5) Securing safety from fires, panic, and other dangers; (6) Preventing the overcrowding of land; (7) Avoiding undue congestion of population; (8) Facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things to the character of each Zoning District and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Jurisdiction.

#### **Section 1.2    Authority**

This Ordinance is enacted pursuant to the authority conferred by Article 19 of Chapter 160A of the General Statutes of North Carolina.

#### **Section 1.3    Title**

This Ordinance shall be known as the Zoning Ordinance of the City of Archdale, North Carolina and may be referred to as the Zoning Ordinance. The map referred to herein is identified by the title Official Zoning Map, Archdale, North Carolina and may be known as the Zoning Map.

## **ARTICLE II. JURISDICTION, MAP**

### **Section 2.1 Territorial Jurisdiction**

For the purpose of this Zoning Ordinance, the zoning jurisdiction of the City of Archdale shall include the land within the corporate limits of the City and that land located between these limits and the boundaries established in the municipal ordinance establishing extraterritorial jurisdiction boundaries, as now or hereafter fixed.

### **Section 2.2 Incorporation of Zoning Map**

The Official Zoning Map, Archdale, North Carolina and all notations, references and other information shown on the map are hereby incorporated and made a part of this Ordinance.

## **Article III. APPLICATION; GENERAL PROVISIONS; EXCEPTIONS AND MODIFICATIONS**

### **Section 3.1    Zoning Affects Every Building and Use; Bona Fide Farms Exempt**

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided in this Zoning Ordinance. Bona fide farms, with the exception of swine farm operations, are not affected by these regulations but any use of farm property for non-farm purpose is subject to these regulations. Swine farm operations as defined herein are prohibited within the jurisdiction of this Ordinance.

### **Section 3.2    Relationship of Buildings to Lot**

Every building hereafter erected, moved or placed shall be located on a lot and in no case shall there be more than one (1) residential building on a lot except as otherwise provided for in group residential developments. In any case where more than one principal building is permitted on a lot, such buildings shall be separated by twenty (20) feet unless a lesser distance is other wise specifically permitted by this Ordinance.

### **Section 3.3    Street Access**

No building, structure or use of land shall be established on a lot nor shall any lot be created that does not abut upon a public street as defined herein to which it has legal access for a distance of not less than thirty-five (35) feet. Provided, the following exceptions shall apply to the access requirement:

1.     The access requirement shall not apply to lawfully existing lots of record with a minimum of thirty-five (35) feet of frontage on a dedicated but not maintained street.
2.     The access requirement shall not apply to developments exempt from the public street access  
by Article VI.
3.     The access requirements shall not apply to lots on approved private streets.

### **Section 3.4    Lot of Record**

Where the owner of a lawfully existing lot of official record in any residential district or the owner's successor in title thereto does not own sufficient contiguous land to enable the owner to conform to the minimum lot size requirements of this Ordinance, such lot may be used as a

residential building site, where permitted, provided, however, that the other requirements of the district are complied with or a variance is obtained from the Board of Adjustment.

Notwithstanding the foregoing, whenever two (2) or more adjoining vacant lots of record are in a single ownership at any time after the adoption of this Ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as one or more lots which meet the minimum requirements of this Ordinance for the district in which such lots are located.

### **Section 3.5    Open Space Requirements**

No part of a yard, court or other open space provided around any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required under this Ordinance for another building or structure. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except as provided for in this section. However, certain accessory structures are permitted to be placed in the required yard areas as provided for herein.

### **Section 3.6    Reduction of Lot and Yard Areas Prohibited**

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth in this Ordinance, except as provided for in Sec. 1-6 (c ) of the Subdivision Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

### **Section 3.7    Water and Sewer Requirements**

The lot sizes required for the various Districts in this Ordinance were drawn based upon the assumption that adequate water supply and sewage disposal systems are available to each and every lot. The lack of adequate systems for one or both facilities may require larger lot areas or, in some instances, because of Health Department Standards, may not permit development as intended.

### **Section 3.8    Height Limitation Exceptions**

The height limitations of this Ordinance shall not apply to public buildings, churches, temples, schools, hospitals, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, flag poles and similar structures, provided such structures meet the required North Carolina Building Code. Height limitations shall apply to cellular telephone towers and communication towers as regulated herein.

### **Section 3.9    Building Setback Exceptions**

Setback distances shall be measured from the property line or street right-of-way line to the nearest portion of any building, or structure excluding:

1. Unenclosed porches, attached carports, balconies, fire places, or decks which do not project into any required yard more than three (3) feet; and
2. Chimneys, flues, coves, roof overhangs, window sills and bay windows which do not project into any required yard more than three (3) feet; and
3. Patios, drives, walkways, if no portion of the same extends more than twelve (12) inches off the ground; and
4. Any structure that is a mere appendage to a building, such as a flagpole, or fountain.

### **Section 3.10 Double Frontage Lots**

In all Zoning Districts, Double Frontage Lots shall provide the minimum yard requirements for Front Yards along both street fronts.

### **Section 3.11 Visibility at Intersections**

On a corner lot in any district no planting, structure, sign, fence, wall or obstruction to vision more than three (3) feet in height measured from the centerline of the street shall be placed or maintained within the triangular area formed by the intersecting street centerlines and a straight line connecting points on said street centerlines, each of which is 20 feet distance from the point of intersection.

### **Section 3.12 Temporary Buildings**

Temporary buildings, including mobile structures, incidental to a construction project may be permitted to be used concurrent with the permit for permanent building(s) construction. Such temporary building shall be removed promptly upon completion of construction. No such building shall be used for dwelling purposes. Temporary buildings shall be located at least 25 feet from any property used for residential purposes.

### **Section 3.13 Computing the Number of Multi-Family Type Dwelling Units**

In computing the number of multi-dwelling type units (including attached units) permitted for a given area of land, subtract the amount of land area in square feet required for the first dwelling unit from the total net land area and then divide the remainder by the amount of land required for each unit over one. The quotient plus one is the number of dwelling units permitted for the given area of land. For example, on a land area of 54,000 square feet located in the GRD Residential District:

54,000 (Total Net Land)

$\frac{12,000}{42,000}$  (First Two Dwelling Units)  
(Remainder)

42,000 divided by 3000 (each additional dwelling unit) = 14  
 $14 + 2 = 16$

Therefore sixteen (16) multi-family dwelling units may be placed on the 54,000 square-foot property. Fractional units over one-half (1/2) may be rounded to the next higher whole number when the base number of units is twenty (20) or more.

On projects with one building per lot, the computation must be repeated for each lot separately. On projects with more than one building on a lot, the computation need only be made one time.

### **Section 3.14 Entrances/Exits to Public Streets**

Entrances and exits to public streets shall be placed and constructed in accordance with the "Policy on Street and Driveway Access to North Carolina Highway" adopted by the North Carolina Department of Transportation (NCDOT), as amended. No portion of any entrance driveway leading from a public street shall be closer than twenty (20) feet to the corner of any intersection measured from the right-of-way line. The width of any entrance driveway leading from the public street shall not exceed thirty (30) feet at its intersection with curb or street line. No two driveways on a single lot leading from a public street shall be within twenty (20) feet of each other measured along the right-of-way.

### **Section 3.15 Projections into Front Yards in Commercial and Industrial Districts**

In commercial and industrial districts, open, unenclosed gasoline pump canopies, gasoline filling and related equipment and similar facilities may project into one-half (1/2) the front yard setback requirement for the district.

### **Section 3.16 Outdoor Lighting**

Plans for outdoor lighting shall be required for all new development proposals. It shall specifically show the location of all proposed outdoor lighting fixtures to be constructed on any development.

The following restrictions apply to outdoor lighting in all zoning districts:

- A. For any new nonresidential use, outdoor lighting shall be located, screened, or shielded so that the abutting lots located in any residential district are not directly illuminated.
- B. For all new residential construction, lighting fixtures must be located, screened, or shielded in order to prevent direct glare onto neighboring residential lots.
- C. All existing outdoor lighting shall be located, screened, or shielded in a manner as not to cause glare or impair the vision of motorists nor to illuminate a neighboring



residential lot.

### **Section 3.17 Outdoor Storage and Display**

Outdoor storage and/or display of items for sale or advertising purposes shall be prohibited in the O & I Districts. In the B-1, B-2, M-1 and M-2 Districts, outdoor storage and/or display shall be limited to items which are designed and intended for permanent outdoor usage. Such outdoor storage and/or display areas shall conform to a minimum of one-half (1/2) the minimum required building set back. Yard sales, involving non-outdoor items, may be permitted in the B-1, B-2, M-1 and M-2 Districts not to exceed two (2) two-day events per year.

### **Section 3.18 Class C Mobile Homes Prohibited**

After the effective date of this Ordinance no Class C Mobile Home shall be placed in the jurisdiction of this Ordinance nor shall any Class C Mobile Home that is existing within the jurisdiction of this Ordinance be moved, and placed at any other location within the jurisdiction of this Ordinance.

### **Section 3.19 Use of Mobile Homes and Other Vehicles for Storage Prohibited**

The use of mobile homes , truck trailers, or travel trailers for storage purposes shall be expressly prohibited in all zoning districts.

### **Section 3.20 Minimum Regulations**

Regulations set forth by this Ordinance shall be minimum regulations. If the requirements set forth in this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinance, the more restrictive or higher standards shall govern.

### **Section 3.21 Fees**

Applicants for permits and other procedures as provided for by this Ordinance may be required to pay such fees as may be established by the City Council in the Schedule of Fees and Charges.

**Section 4.1 Primary Zoning Districts Established: Purposes Set Forth**

For the purposes of this Ordinance, the City of Archdale, North Carolina, and the area comprising its extraterritorial zoning jurisdiction are hereby divided into the following primary use districts:

**Section 4.1.1 R-40 Residential District**

The R-40 Residential District is established for low density residential and rural agricultural purposes with some limited public, semi-public, and passive recreational uses permitted when they are compatible with low density residential development. As municipal services become available to such areas it is anticipated that the R-40 District will be considered for rezoning to other districts.

**Section 4.1.2 R-20 Residential District**

The R-20 Residential District is established primarily for balance of watershed areas, requiring low density residential development with some limited public, semi-public, and passive recreational uses when they are compatible to low density residential developments.

**Section 4.1.3 R-15 Residential District**

The R-15 Residential District is established for moderately low residential uses with some limited public, semi-public, and passive recreational uses permitted when they are compatible with moderately low density residential developments.

**Section 4.1.4 R-12.5 Residential District**

The R-12.5 Residential District is established for medium density residential development with some limited public, semi-public, and passive recreational uses permitted when they are compatible with medium density residential developments.

**Section 4.1.5 R-10 Residential District**

The R-10 Residential District is established for medium to high density residential development with some limited public, semi-public, and passive recreational uses permitted when they are compatible with medium density to high density residential developments.

**Section 4.1.6 Group Residential District**

The intent of the Group Residential District is to ensure that group developments are zoned and planned so as to provide adequate open space, access and circulation within the development and sufficient buffers to ensure compatibility with surrounding

land uses. Limited public, semi-public and commercial uses are permitted when they are compatible with these uses.

**Section 4.1.7 Office and Institutional District (OI)**

The Office and Institutional District is established to provide for business and professional office service occupations and light commercial uses. Because the office and institutional uses are subject to the public view, developers and operators of offices and businesses should provide an appropriate appearance, parking and design of entrances and exits to offices and businesses in a manner to minimize the traffic congestion.

**Section 4.1.8 B-1 Business District**

The B-1 Business District is established to provide for retailing goods and services to the passing motorists and residents living in the area. Because the business uses are subject to the public view, developers and operators of businesses should provide an appropriate appearance, parking and design of entrances and exits to businesses in a manner to minimize traffic congestion. The regulations of this district are designed to permit a concentrated development of permitted uses while maintaining a substantial relationship between the intensity of land uses and the capacity of utilities and streets.

**Section 4.1.9 B-2 Neighborhood Business District**

The B-2 Neighborhood Business District is established to provide for a compact neighborhood shopping district which provides convenience goods such as groceries and drugs and some types of personal services to the surrounding residential area. The regulations are designed to protect the surrounding residential districts and provide an appropriate community appearance. Parking and design of entrances and exits to businesses must be established in a manner to minimize traffic congestion.

**Section 4.1.10 M-1 Heavy Manufacturing District**

The M-1 Heavy Manufacturing District is established for those areas of the community where the principal use of land is for manufacturing, industrial and warehousing uses. These uses, by their nature, may create some nuisances that are not properly associated with residential, institutional, commercial and/or service establishments. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties.

**Section 4.1.11 M-2 Light Industrial District**

The M-2 Light Manufacturing District is established for industry assembly, fabrication and warehousing located on planned sites with access to major highways and streets and with adequate utility facilities. This district is intended to allow a lower density of manufacturing and warehousing operations which create a more desirable appearance and less environment pollution than a more dense manufacturing zone. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby development property.

The purpose of these regulations is to control building and traffic congestion and to provide an appropriate community appearance.

#### **Section 4.2 Conditional Use Districts Established: Purposes Set Forth**

There is also established a Conditional Use District (CUD) which corresponds to each of the districts authorized by this ordinance as follows:

R-40 - CUD	O&I - CUD
R-20 – CUD	B-1 - CUD
R-15 – CUD	B-2 - CUD
R-12.5 – CUD	M-1 - CUD
R-10 – CUD	M-2 - CUD
GRD- CUD	

It is recognized that certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Where the applicant for rezoning desires property to be rezoned to such a district in such situations, the Conditional Use District is a means by which such special conditions can be imposed in the furtherance of the purpose of this Ordinance. The Conditional Use District classification will be considered for rezoning only upon request of a property owner. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such Conditional Use Permit shall be null and void and of no effect and that proceedings shall be instituted to rezone the property to its previous zoning classification.

Within a CUD, only those uses authorized as permitted or special uses in the zoning district with which the CUD corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards. In addition, within a CUD no use shall be permitted except pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use and uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include conditions not generally a part of land development controls. In granting a Conditional Use Permit the City Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.

The authorization of a Conditional Use Permit in any CUD for any use which is permitted only as a Special Use Permit in the zoning district which corresponds to the CUD shall preclude any requirement for obtaining a Special Use Permit for any such use in a separate procedure.

#### **Section 4.3 Roadway Overlay District Established: Purposes Set Forth**

The Primary and Conditional Zoning Districts established in this article may also be zoned Roadway Overlay District as designated herein and as shown on the official Zoning Maps. In such case the land is subject to not only the requirements of the underlying primary or

conditional zoning districts but also the additional requirements of the Overlay District. The purpose of the Roadway Overlay District is to provide for the protection and preservation of thoroughfare corridor to avoid undue congestion and significant deterioration of service levels while at the same time provide for the preservation and enhancement of the appearance of the roadway corridor.

#### **Section 4.4      District Boundaries Shown on Zoning Map**

The boundaries of the districts are shown on the map accompanying this Ordinance and made a part hereof entitled A Official Zoning Map, Archdale, North Carolina. The Zoning Map and all the notations, references and amendments thereto, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map were all fully described as set out herein. The Zoning Map is posted at the Archdale City Hall and is available for inspection by the public.

#### **Section 4.5      Rules Governing Boundaries**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official Zoning Map, the following rules shall apply:

- A.      Where district boundaries are indicated as approximately following the center lines of streets or highways, street or railroad right-of-way lines or such lines extended, such center lines, street or railroad right-of-way lines shall be construed to be such boundaries.
- B.      Where district boundaries are so indicated that they approximately follow platted lot lines, such lot lines shall be construed to be said boundaries.
- C.      Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways, or railroads, or right-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by use of the scale shown on said Zoning Map.
- D.      Where any street or alley is hereafter officially closed, vacated or abandoned, the zoning district adjoining each side of the street or alley shall be automatically extended to the center of the street or alley, and all lands which are included in the closed portion shall thereafter be subject to the regulations of the extended districts.
- E.      Boundaries indicated as approximately following City limit lines shall be construed to follow such City limit lines.
- F.      Where district boundaries are indicated as following topographic contours, drainage divides or specific measured distances such features shall be construed

to be such boundaries.

- G. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- H. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- I. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or if further uncertainty exists as to the location of boundaries or applicability of zoning districts, the Board of Adjustment shall interpret the intent of the Zoning Map as to the location of such boundaries, and the applicability of such districts.
- J. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance the Board of Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

#### **Section 4.6      Determining Permitted and Conditional Uses, Principal Uses and Mixed Uses**

The listings of Permitted and Special Uses in the various Districts in this Ordinance are considered to be specific in regard to the types of uses intended for each of the various Districts. In determining proposed uses, the Zoning Administrator shall classify the form and function of the use. When a proposed use is not specifically listed in the Table of Permitted and Special Uses, the Zoning Administrator shall determine if the use is the same as, or manifestly similar to, a listed use in form and function. If the Zoning Administrator finds that the proposed use is the same as, or manifestly similar to, a listed use, he shall classify the proposed use as the listed use. If the Zoning Administrator finds that a proposed use is not the same as, or is not manifestly similar to, a listed use, he shall classify the proposed use as not permitted. In each case, the Zoning Administrator shall maintain a written record of such determinations.

In determining what is a principal use, the principal use shall be considered as the primary purpose or function that a lot or structure serves or is proposed to serve. An accessory use shall be considered a structure or use that:

- 1) is clearly incidental to and customarily found in connection with a principal building or use;
- 2) is subordinate to and serves a principal building or a principal use;
- 3) is subordinate in area, extent, or purpose to the principal building or principal use served;
- 4) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and

- 5) is located on the same lot and zones the same as the principal building or use served.

Two or more principal uses may, in some cases, be permitted to occupy the same land or buildings as long as each is a permitted use and the building separation required by Section 3.2 is provided.



## **Article V. SCHEDULE OF DISTRICT REGULATIONS**

### **Section 5.1      Primary Zoning Districts Requirements.**

The Primary Zoning Districts as established in Article IV, Section 4.1 shall comply with all of the general and specific requirements of this Ordinance and in particular shall comply with the following standards and requirements:

- A.    Uses.    See Article VI entitled Table of Permitted and Special Uses
- B.    Dimensional Requirements.    See Article VII entitled Table of Area, Land and Height Requirements.
- C.    Location of Accessory Buildings and Structures.    See Article VII entitled Table of Area, Land and Height Requirements.
- D.    Off-Street Parking and Loading.    Off-street parking and loading shall be provided in accordance with the requirements of Article VIII.
- E.    Signs.    Sign shall be regulated by the requirements of Article IX.
- F.    Landscaping and Buffers.    Landscaping and buffers shall be provided in accordance with the requirements of Article X.

### **Section 5.2      Conditional Use District Requirements**

Only those uses authorized as permitted uses or special uses in the zoning district with which the CUD corresponds shall be eligible to be permitted, and all other requirements of the corresponding district shall be met as minimum standards. In addition, within a CUD no use shall be permitted except pursuant to a Conditional Use Permit authorized by the City Council which shall specify the location on the property of the proposed use or uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of right-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include conditions not generally a part of land development controls. In granting a Conditional Use Permit the City Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this ordinance are served, public welfare secured and substantial justice done.

### **Section 5.3      Roadway Overlay District**

1.    Application    The requirements of this section apply to all new construction, including exterior improvements involving more than 50% of a building's façade that is prominently visible from the street in the Roadway Overlay District. These requirements shall also apply if improvements are done to property that is more than 50% of the tax value of the building on the property. These requirements shall not apply to single family residences.
2.    Front Yard Setback.    The front yard setback shall be a minimum of fifty (50) feet as measured perpendicular to the adjacent Roadway right-of-way line.
3.    Minimum Lot Width      The minimum lot width shall be one hundred fifty (150) feet.
4.    Landscaped Overlay Yard.    A landscaped roadway shall be provided by each subject to this requirement. A landscaped roadway yard is a landscaped area generally parallel to the public roadway designed to provide continuity of vegetation along the right-of way and a pleasing view from the road. The landscaped area shall be penetrated only by driveways and crosswalks. The minimum width of the roadway yard shall be ten (10) feet and shall be located within the thirty foot section of the lot closest to the public road right-of-way. Trees shall be planted at a rate of one (1) tree per forty (40) linear feet of street yard excluding driveway and crosswalk area. It shall be landscaped and maintained with a vegetative cover and shall be planted with small and/or medium shrubs at a rate of fifteen (15) per one hundred (100) linear feet of street yard excluding driveway and crosswalk area. The Zoning Administrator may approve a different vegetative landscape type when in his option equal or better performance will result. The following is a sample list of recommended shrubs by common name:

American Boxwood	Common Juniper
Carolina Allspice	Nandina
Flowering Quince	Azalea
Hedge Cottoneaster	Mapleleaf Viburnum
Japanese Holly	Sargents Chinese Juniper
Japanese Barberry	Common Laurelcherry
Purple Beautyberry	Fragrant Sumac
5.    Underground Utilities      All utilities services on the property, including all wire services, shall be placed underground.
6.    Exterior Building Materials    No building elevation including foundation, that is prominently visible from the Roadway Overlay Corridor may be covered with sheet or corrugated aluminum, iron or steel, plain concrete block or exterior panelized plywood. Except, however, such materials may be used as secondary

exterior finish materials if they cover no more than twenty (20) percent of the surface area. Buildings may consist of any of the following materials: utility brick, standard brick, stucco, synthetic stucco, colored split-faced block, glass, stone, tile or other similar high quality materials.

7. Developments with More than One Principal Building.

Developments in the Roadway Overlay District with more than one principal building (including “out parcels” and multi-tenant buildings) shall include similar architectural styles but should not be identical throughout the development. All sides of an individual building shall be treated in an architecturally similar manner. More specifically, the following three “unifying elements” must be significantly presented in each building (including accessory buildings and those buildings located on out parcels) and to the greatest extent practical, in other architectural features of the development (walls, fences, signs, etc.):

- a) Building materials Such materials shall apply to at least 30% of each ground mounted signs as well.
- b) Colors A maximum of three colors may be designated as the unifying element but the maximum number of colors throughout the development are not limited.
- c) Architectural features These include but are not limited to: roof, treatment (style, color, and material), facade treatments or building form (overhangs, canopies, arcades, protected walkways, entrance treatments).

8. Entrances/ Exits to Public Streets

Any lot on of record in the Roadway Overlay District in existence on the effective date of this Section shall be allowed one access point notwithstanding the provisions of this Section that may prohibit such access; provided, however, that two or more lots under common ownership shall be considered one lot and shall comply with the requirements of this section. The maximum number of access points shall be as follows:

<b>Main Street Frontage</b>	<b>Access Points to Main Street</b>
0-299	1
300-999	2
1000 or more	3

Except where access would be denied, driveways shall be located at least 200 feet from the center line of any street intersecting the Roadway and shall be located at least thirty feet from a side property lines, except where a mutual joint access agreement exists which provides for a shared driveway for adjoining owners.

Driveways shall be not less than 120 feet apart, measured along the right-of-way from center of driveway to center of driveway.

9. Signs

The following types of signs shall be prohibited in the Roadway Overlay District:

- a) Off-premises signs
- b) Temporary signs
- c) Portable signs
- d) Movable signs

10. Paved Parking/Landscaped Island

All required parking areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights. No more than ten (10) parking spaces may be in a continuous row without being separated by a landscaping island. *See section 10.4(b)*

11. Solid Waste Facilities

Solid waste storage facilities in the Roadway Overlay District shall consist of a minimum 10' X 20' concrete pad with vehicle apron and a six (6') foot high opaque fence on the sides and rear of the facility with a gated front. Two six (6') foot bollards are also required to protect the fence. The facility shall not be in any required front, side, or rear yard setback.

12. HVAC

HVAC units, when ground mounted, must be located at the rear of the building or along the side where it cannot be seen from the front of the building. When HVAC is roof mounted sufficient screening is required to screen the unit(s) from the public view.

13. Sidewalks

A sidewalk with a minimum width of four (4) feet must be installed within the right-of-way. New sidewalks must join to existing sidewalks on adjacent property. Access for handicapped persons must be provided to sidewalk facilities at appropriate locations, including street intersections.

## **ARTICLE VI. TABLE OF PERMITTED AND SPECIAL USES**

### **Section 6.1 General**

The Table of Permitted and Special Uses which follows contains a listing of uses which may be permitted in one or more of the various Zoning Districts established by this Ordinance. Uses are listed in alphabetical order in nine functional categories. The categories in the order of listing are:

Residential Uses  
Recreational Uses  
Educational and Institutional Uses  
Business, Professional and Personal Services  
Retail Trade  
Wholesale Trade  
Manufacturing and Industrial Uses  
Public Works Facilities, Utilities and Infrastructure  
Miscellaneous

### **Section 6.2 Entries**

The District or Districts in which a particular listed use may be permitted is indicated by an "x" or "s" in the District column(s) opposite the listed use.

### **Section 6.3 Meaning of Entries**

The meaning of the entries in the Table are as follows:

1. "X" indicates the use is permitted by right and a Zoning Compliance Certificate may be obtained.
2. "S" indicates the use requires approval of a Special Use Permit in accordance with the procedures of Section 13.9.

The column on the far right labeled "SR" (Special Requirements) means that there are special additional performance requirements that the use must comply with in its development. These requirements are contained in Section 6.5, "Special Requirements to the Table of Permitted and Conditional Uses." For any use subject to a Special Use Permit, the Special Requirement shall represent the minimum conditions for issuance of a Special Use Permit.

3. The listing of a use in the Table of Permitted and Conditional Uses in no way relieves that use of having to meet all local, State and Federal laws pertaining to the establishment and operation of that use.

**Section 6.4**

**Table of Permitted and Special Uses.**

**(See Table.)**

## **Section 6.5**

## **Special Requirements to the Table of Permitted and Special Uses**

The Table of Permitted and Special Uses of Article VI contains a column on the far right labeled ASR≡ for Special Requirements. In any case where a use listed in the Table of Permitted and Special Uses has a number in the SR column opposite the use, the use must comply with the additional Special Requirements contained in this section corresponding to the Special Requirements number. For example, the use A Mobile Home Park≡ has the number A 5 ≡ in the SR column opposite the use, therefore, the development of a Mobile Home Park must meet the special requirements for SR 5 Mobile Home Park of this section.

### **SR 1. Bed and Breakfast Inns**

In the Residential and O&I Districts:

- a. The maximum number of guest bedrooms shall be six (6).
- b. The inn shall be operated by a resident manager.
- c. The use shall be located in a structure which was originally constructed as a dwelling.
- d. The use shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight guests and residents of the facility.
- e. The use of such a facility by any one patron shall be limited to no more than fifteen (15) days per sixty (60) day period.

### **SR 2. Family Care Home and Family Day Care Home**

A family care home with five (5) or fewer persons or a family day care home with five (5) or fewer persons may be operated as an accessory use to a principal dwelling. Provided, however, no family care home may be located within one-half mile radius of any other family care home as defined by NCGS 168-21. Nor shall any family day care home be located within one mile radius of any other family day care home.

### **SR 3. Group Residential Development**

Group Residential Developments shall be exempt from the Dimensional Requirements of Article; the “one principal building per lot” requirement of Article III, Section 3.2; the Sign Regulations of Article IX; and the Buffering and Landscaping Requirements of Article X, provided that the development complies with all of the requirements of this Section and is granted a Special Use Permit by the City Council as provided for in herein.

As a general guide in approving Special Use Permits for Group Residential Developments, the City Council shall consider the following locational criteria in addition to the other standards of this Section:

Development proposed to contain more than twenty (20) dwelling units shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan.

Development proposed to contain more than sixty (60) dwelling units shall have one of the following:

- (1) frontage along and direct primary access on two major thoroughfares.
- (2) frontage along and direct primary access on two minor thoroughfares.
- (3) frontage along and direct primary access on one major and one minor thoroughfare.
- (4) two direct entrances on a major or minor thoroughfare.

Developments proposed to contain more than one-hundred (100) dwelling units shall meet the requirements of paragraph .b and above and shall submit a certified traffic engineering report evaluating the capability of the adjoining streets system to carry the traffic generated by the development.

In approving a Special Use Permit for a Group Residential Development, the City Council may modify any standard or requirement of this Section where in the Council's opinion equal or better performance will result. In modifying any standard or requirement the evaluation shall be made with regard to the overall performance in carrying out the purposes of this Ordinance. In approving a modification the Council may prescribe such reasonable and appropriate conditions and safeguards as will in its opinion assure performance and the maintenance of the purposes of this Ordinance.

A. No Development Until Final Plan Approval And Special Use Permit Issued .

No development including grading, tree removal or any other land disturbing activities shall take place on any site being considered for a Group Residential Development Special Use Permit until the final plan has been approved and the Special Use Permit issued. Failure to conform to this provision shall constitute a violation of this Ordinance and may constitute grounds for denying or, if a Special Use Permit has been authorized to be issued by the City Council, revocation of that authorization.

B. Site Plan Approval, Special Use Permit Required

Three levels of site plan review are required as part of the Group Residential Development Special Use Permit approval process.

1. Sketch Plan



A Sketch Plan is required to be submitted to the Planning Director as a prerequisite to submitting a request for a Special Use Permit. The Sketch Plan allows an exchange of information between the developer and city staff. The Planning Director and the Developer shall review the project to evaluate its feasibility in view of the City's development practices and requirements. The Planning Director shall complete the Sketch Plan review process within fifteen (15) days of receipt of a valid Sketch Plan. Once the review process has been completed, one copy of the plan shall be returned to the developer and one copy shall be filed by the Planning Director. This review shall not be construed as an official action of approval by the City.

2. Preliminary Plan

A Preliminary plan is required to be submitted as part of the application for a Residential Group Development Special Use Permit. The preliminary plan shall depict, in the judgement of the Planning Director all of the information necessary to determine compliance with the standards for approval of a Residential Group Development. Authorization of a Special Use Permit by the City Council shall constitute approval of the preliminary plan, subject to any corrections, changes or conditions as may be imposed by the Council. In any case where the Preliminary Plan involves a subdivision as defined in the Subdivision Ordinance, approval of the Preliminary Plan shall constitute Preliminary Subdivision Plan approval for the purpose of that Ordinance.

3. Final Plan

The Final Plan shall be submitted to the Planning Director for review for compliance with the Preliminary Plan as approval by the City Council. The Planning Director shall not issue a Special Use Permit for any final plan that is not consistent with the preliminary plan as approved by the Council. The Planning Director shall have fifteen (15) days to make a determination of consistency and issue or refuse to issue a Special Use Permit. The Planning Director's refusal to issue a permit shall be in writing stating the reasons for such refusal. Appeal from the Planning Director's refusal or failure to act within the allotted time shall be made to the City Council. On appeal the Council shall take whatever action it deems appropriate and shall have the authority of the Planning Director to either issue or refuse to issue such Special Use Permit. Where public facilities are involved or required, all construction plans shall have been approved by the appropriate agency prior to the issuance of the Special Use Permit. In any case where a subdivision is involved, the procedure for Final Plat approval of the Subdivision Ordinance shall be followed.

The final plan for a Special Use Permit shall be submitted to the Planning Director for review within two-hundred and seventy (270) days of the date of the authorization of the issuance of a Special Use Permit by the City Council, otherwise the authorization shall be null and void.

A Special Use Permit may be amended or may be voided by application of the permit holder through the same procedure as provided for to obtain a Special Use Permit as set forth in this Ordinance.

C. Basic Dimensional Requirements

1. Residential Density

12,000 square feet of land area for the first two (2) dwelling units; 3,000 square feet for each additional dwelling units

2. Minimum frontage on a Public Street

80 feet

3. Front yard setback

80 feet (see Section N.3.)

4. Side and rear yard setback

20 feet

5. Maximum Building Height

35 feet

6. Maximum Building Length (including attached units)

150 feet

7. Maximum Impervious Surface Coverage

As provided by the Water Supply Watershed Ordinance but in no case no more than 50%

8. Building Location Relative to Public Streets.

All portions of every building shall be located within three hundred (300) feet of a public street that furnishes direct access to the property unless the fire chief determines that on site fire hydrants and service drives will offer adequate protection.

9. Building Separation

To determine building separation (or position of an individual building or series of attached units), an isosceles triangle (yard space triangle) shall be drawn from each building facade. Facades shall be designated on each building so that a minimum

the number, normally four, results. The base of the triangle shall be a line connecting the extreme ends of the facade (ignoring one-story storage rooms and other one-story protrusions of one hundred (100) square feet or less, exterior stairways, and decks), and its altitude shall be the length of the base line multiplied by a factor related to the height of the building as shown below:

<u>Number of Stories</u>	<u>Altitude Factor</u>
1	0.4
2	0.5
3	0.6
4 or more	0.7

The isosceles triangle thus established shall not:

- a. Overlap any portion of any other building,
- b. Overlap any other yard space triangle,
- c. Extend across the property lines of the development.
- d. For buildings of more than two (2) stories such isosceles triangles shall not extend into the required front, rear and side planting yards as provided for in Subsection N of this Section.

In addition to the yard space triangles, in no case shall any building be closer than twenty (20) feet to any other building on the development. Furthermore, buildings shall not be arranged in straight rows oriented in such a way as to resemble rows of barracks.

#### D. Parking, Drives and Walkways

1. Off-street parking spaces shall be provided in accordance with the following schedule:

1 Bedroom Units	1.8 spaces per unit
2 Bedroom Units	2.0 spaces per unit
3 Bedroom Units	2.4 spaces per unit
Each Additional Bedroom	0.5 spaces per unit

2. Off-street parking shall be designed and constructed in accordance with the geometric design standards set forth in Article VIII.

3. Off-street parking shall be proportionally provided throughout the development based upon based upon need as determined by the City Council.

4. No off-street parking space shall be located closer than ten (10) feet to residential building facade that has a window and/or door.

5. No part of any off-street parking space stall that abuts directly upon a drive shall be located closer than fifty (50) feet to the drives intersection to a public street. No parking stall shall be located on a public street.

6. No more than ten (10) parking spaces may be in a continuous row without being separated by a landscaped area. (See Subsection N A Landscaping=)

7. No parking space shall be located in the following areas:

a. The front planting yard consisting of the first fifty (50) feet of the front yard set back where no berm is used or the first thirty (30) feet where an approved berm is used.

b. The side planting yard consisting of the minimum side yard setback.

c. The rear yard planting yard consisting of the minimum rear yard setback.

8. No driveway shall be located closer than fifteen (15) feet to the facade of a residential building.

9. Driveways and parking areas shall be paved to withstand anticipated traffic and loads as determined by the City Council. The general standard for drives is that which is required for local residential street with curb and gutter as set forth in the Subdivision Ordinance.

Turf stone and other less impervious materials may be permitted by the Council for certain parking areas in order to reduce the amounts of impervious surfaces.

10. A series of all-weather material walkways shall be provided linking residential buildings with other destinations such as but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways, on-site facilities such as recreation areas, etc.

#### E. Open Space

A contiguous open space area shall be provided by the development based upon the following schedule:

(a) Developments of less than 100 dwelling units - 10% of the development excluding required front, rear and side yard setbacks.

(b) Developments of 100 dwelling units or more - one (1) acre for each 100 units excluding required front, side and rear yard setbacks. (Developments with 125 dwelling units, for example, would provide one and one-quarter (1 1/4) acres etc.)

In any case where the City Council agrees to accept such a dedication, the dedication of land to the City for recreation purposes shall count to serve this open space requirement on a one to one basis.

#### F. Adjoining Street Improvements

In authorizing to issuance of a Special Use Permit the City Council may require adjoining streets widening, curbs and gutter and/or acceleration/deceleration lanes where in the opinion of the Council such improvements are warranted by the impact of the development. In addition, the Council may require the installation of traffic signal(s) where the Council determines such is warranted based upon the recommendation of the appropriate NCDOT official.

As a general standard for this subsection, all streets adjoining the development shall be provided with the following improvements by the developer where the street adjoins the development:

- a. Street widening and curb and gutter to the width of the classification of the street as set forth in the Subdivision Ordinance.
- b. Sidewalks
- c. Acceleration/deceleration lanes at major entrance(s).

#### G. Storm Water Management

The developer shall implement a storm water management plan prepared and certified by a Registered Professional Engineer and approved by the City Council. The plan shall provide for the control of the first one-half (1/2) inch of rainfall. Runoff control measures may include:

- a. On-site infiltration through undisturbed vegetated areas.
  - b. Engineered infiltration measures such as trenches, retention ponds (wet ponds), or wet detention ponds that reduce the total quantity of runoff.
  - c. Detention structures that reduce the rate and total quantity of runoff.
- The Engineer shall certify that the plan will control the first one-half (1/2) inch of runoff.

#### H. Water and Sewer

Residential Group Developments shall be connected to the City of Archdale water and sewer system. A water and sewer plan prepared by a Registered Engineer and approved by

the City shall be implemented by the developer. The developer shall be responsible for obtaining all construction permits.

I. Solid Waste Facilities

The developer shall install solid waste storage facilities consisting of a minimum 10' x 20' concrete pad with vehicle apron and a six foot (6') high stockade fence on minimum of three (3) sides with six foot (6') high bollards to protect said fence. Solid waste facilities shall not be located in any required front, side or rear yard and shall be located at least fifteen (15) feet from any residential building.

J. Active Play Area Locations

Active outdoor play areas such as but not limited to swimming pools, ballfields, tennis courts and basketball courts shall be located at least fifty (50) feet from any adjoining land zones for or used for single-family residential purposes.

K. Utility Lines

All utility lines shall be located underground.

L. Outdoor Storage Facilities Required

Outdoor storage facilities, either attached or freestanding shall be provided for the exclusive use of occupants of the development at a rate of fifteen (15) square feet per dwelling unit for any unit with less heated floor space than the following schedule:

1 Bedroom Units	800
2 Bedroom Units	1000
3 or more Bedroom Units	1200

M. Location of Mailboxes

Mailboxes shall not be located in any required front, side or rear yard setback except where the Postmaster requires otherwise.

N. Landscaping Requirements

1. A tree survey and a landscaping plan shall be submitted with all Residential Group Development Plans. The tree survey shall indicate the type and approximate height, caliper canopy sizes and condition of all existing trees and other significant vegetation on the site. The tree survey shall be used to encourage the retention and protection of monumental and other significant trees and vegetation on the site and to determine the feasibility of using existing vegetation to comply with the landscaping

- requirements of this section. The landscaping plan shall incorporate all landscaping requirements described herein as they relate to other site design requirements. The landscaping plan shall also include detailed specifications to protect retained or newly planted vegetation during the construction phase. Such specifications shall include a requirement for fencing or other equally effective measures during construction activity and prohibitions against attaching ropes, nails, cables and similiar material to any tree that is to remain.
2. A 50 foot wide front planting yard shall be provided along all public street rights-of-way for the entire length of the site (excluding driveways and walkways). All existing vegetation designated to be retained shall remain undisturbed. At minimum the planting yard shall include one (1) tree per 500 square feet of land area within the planting area evenly planted throughout the yard. All trees shall be four (4) feet tall at planting and eight (8) feet tall within three (3) years. The yard shall also have one (1) shrub per 15 linear feet of public street frontage (excluding driveways) evenly planted within ten feet of the public street right-of-way. At the discretion of the City Council, existing trees and shrubbery may be used to meet this requirement.
  3. Any required planting yard and building setback may be reduced to 50 feet, provided that a landscaped berm is provided adjacent to the public street right-of-way for the entire length of the site (excluding driveways and walkways) at a height at least three (3) feet above adjacent ground level as determined by the City Council. The berm shall include shrubbery at the same rate described in N.2 above. The City Council may also require trees not to exceed the rate described in N.2 above based upon the Council's evaluation of the effectiveness of the berm, shrubbery and any remaining or added vegetation in screening the development. In no case shall a berm have a slope exceeding one (1) foot to two (2) feet horizontal.
  4. A 20 foot planting yard shall be provided along all side and rear common property lines (not public streets). For sites adjacent to any R-10, R-12.5, R-15, R-20 or R-40 Zoning District, a screening device consisting of a continuous row of evergreen trees as required in Article XIII.B shall be provided. At the discretion of the City Council, existing trees and vegetation or other suitable device may be used to meet this requirement.
  5. All parking areas shall include one (1) shade tree per 2,000 square feet planted evenly within the parking areas. No more than ten (10) spaces may be in a continuous row without being interrupted by landscaping including one (1) shade tree. All trees shall be four (4) feet tall at planting and eight (8) feet tall within three years. Fifteen percent of all parking areas shall be landscaped with mulch, grass, trees, shrubbery and/or flower beds. Trees and landscaping on the perimeter of parking areas shall not be used to meet these requirements.

6. A double driveway with a landscaped median for all entrances from public streets shall be provided for all developments. The entire entranceway shall be no more than eighty (80) feet wide measured at the edge of the public right-of-way. The median shall include a minimum eight (8) - foot by fifteen (15) - foot landscaped area consisting of mulch, grass, trees shrubbery and/or flowers beds. For developments of twenty (20) or more units the entrance driveway shall provide for a minimum of three traffic lanes, one in and two out, including a left-turn only.
7. One (1) shade tree per 50 linear feet shall be planted along all primary interior driveways (excluding secondary driveways). All trees shall be four (4) feet tall at planting and eight (8) feet tall within three years.
8. A four (4) foot wide planting area separating all buildings from walkways and other paved areas shall be provided. The planting area shall consist of mulch, grass, trees, shrubbery and/or flowers beds.
9. Lighting shall be provided at intersections of driveways, along walkways, adjacent to parking areas, between buildings and at entranceways. All lighting shall be arranged to reflect away from adjacent properties and streets. Lighting plans shall be endorsed by the utility provider.
10. All landscaping, driveways, parking areas, signs, recreation areas and other physical improvements shall be continually maintained in accordance with the approved Special Use Permit Plan. Failure to do so shall constitute a violation of this Ordinance.
11. One monument-type ground sign shall be provided for each entranceway from a public street. The maximum height shall be six (6) feet above ground level (prior to any berm construction). The maximum copy area shall be 32 square feet. Signs may be located in the front planting yard.

O. Unit Ownership

Developments in which property is proposed to be conveyed in Unit Ownership shall comply with the North Carolina Unit Ownership Act.

**SR 4. Home Occupation, Customary**



- a. Customary home occupations such as dressmaking, cooking and baking, hairdressing, music instruction, the practice of such professions as insurance and accounting may be permitted in the Zoning Districts indicated. The City Council shall decide whether other occupations not listed are within the spirit of this category of uses.
- b. Only one person other than those residing in the home shall be engaged in the occupation.
- c. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- d. There shall be no changes in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation except one non-illuminated sign not exceeding four (4) square feet.
- e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or which causes fluctuations in line voltage off the premises.

**SR 5. Mobile Home Parks**

The purpose of these mobile home park regulations is to provide an acceptable environment for what are in fact small communities of mobile homes and to establish minimum requirements for issuance of Special Use permits for mobile home parks.

- a. Location of Mobile Homes: After June 16, 1977, it shall be unlawful for any person to locate a mobile home on any lot within the zoning jurisdiction of the City of Archdale except in a mobile home park that has received Special Use approval of the City Council. If a park does not comply with all regulations of this district, individual mobile homes can not be replaced nor can the park expand in size. However, if the entire

park is brought up to standards as prescribed in this section, existing mobile homes can be replaced and the park can expand. After June 16, 1977, mobile homes on individual lots cannot be replaced or structurally expanded, although normal maintenance will be permitted if necessary to maintain a safe and healthy dwelling unit.

- b. Temporary Mobile Structures: Although it is the intent of the City of Archdale to restrict mobile homes to mobile home parks, there are specific situations where they may be allowed as temporary facilities:
  - (1) A mobile structure may be used as temporary office quarters, but under no circumstances shall mobile structures be used for human habitation; and
  - (2) Where public schools are permitted, modular units approved by the N.C. Department of Insurance may be located in school property to be used as a temporary classrooms.

Temporary use permits may be issued initially for twelve (12) months, but may be renewed for successive six-month periods as long as the specific conditions described in (a) and (b) continue to exist. Temporary Use permits shall be issued by the Zoning Administration officer.

- c. Facilities Required on Mobile Homes: Every mobile home (except those units referenced in (b)(1)(2) located either in a mobile home park or on an individual lot that existed prior to or after adoption of this zoning ordinance within the zoning jurisdiction of the City of Archdale shall have the following facilities:
  - (1) Every mobile home shall be underpinned with a material of a permanent nature, such as masonry, but does not include wood framing; and
  - (2) Every mobile home shall be tied down to a concrete foundation or footing to resist overturning in the events of high winds. All such tie downs shall be in accordance with the State of North Carolina Regulations for Mobile Homes.
- d. Special Use Permit for Mobile Home Parks required: It shall be unlawful for any person to construct, maintain or use any lot or other parcel of land within the jurisdiction of the City of Archdale for a mobile home park until

application has been made and a Special Use Permit therefore has been issued by the City Council. The City Council shall, prior to issuing a Special Use Permit, determine if all requirements of this ordinance can be complied with.

No on-site improvement may be made until after a permit has been granted by the City Council. A Special Use Permit for a mobile home park may be revoked by the City Council upon finding of fact that a violation of the requirements of this ordinance exists, provided; however, the owner, lessee, or other responsible person is notified in writing of such violation and five (5) days from the date of receipt of such written notice have expired, it shall be unlawful for any person, firm, or corporation to continue such mobile home park or mobile home lot after a Special Use Permit therefore, as required herein, has been revoked by the City Council.

e. Conflict with Health Department Regulations: In the event the State or County Health Department has adopted regulations governing mobile homes or mobile home parks, the requirements of this ordinance or the requirements of the State or County Health Department, whichever is more stringent, shall govern.

f. Utilities Required.

(1) Water: An adequate and safe supply of water shall be readily available at the mobile home park site. This requirement shall be deemed to have been met: (1) when an approved connection is made to the municipal water system, or (2) when an independent water supply capable of furnishing three-hundred (300) gallons of water per day per available mobile home space and which has been approved by the County Health Department as a safe supply of drinking water is available on the mobile home park or mobile home site;

(2) Sewer: Each mobile home park shall be required to have a connection with a municipally approved sanitary sewer system in the manner as required or, if located beyond the municipal service area, a sanitary sewer system approved by the County Health Department. Any extension of the municipal sanitary sewer system required to comply with this requirement shall be made in

accordance with the utility extension ordinance or policies or the City of Archdale then in effect. No waste water from washing machines or similar sources shall be discharged on the ground or in streams; and

- (3) Electricity: Each mobile home so parked in accordance with this ordinance must have an individual metered connection to an electric supply and must have an approved fuse disconnect box at the metered location.
- (g) Site Requirements. Site requirements for all mobile home parks shall be as follows:
- (1) The minimum lot size, tract or parcel of land to be used for a mobile home park shall not be less than two (2) acres in size, and shall contain at least five (5) mobile home spaced as defined in this section. In no event shall there be more than eight (8) mobile homes per acre;
  - (2) The minimum lot size for each mobile home space shall be 5,000 square feet;
  - (3) No mobile home shall be located closer than thirty (30) feet to any public street or exterior boundary line of the mobile home park;
  - (4) Each mobile home space shall have at least two (2) automobile parking spaces;
  - (5) Ingress and egress to the mobile home park shall be made accessible only through driveways or openings as approved by Director of Public Works or North Carolina Department of Transportation. Interior streets shall be graded to a width of thirty-three (33') feet and finished grade, cross-section and profile shall be approved by the City. All interior streets shall have a width of twenty-one (21') feet if no parking is permitted; or thirty-three (33') feet if parking is permitted on one side of the street; or forty-one (41') feet if parking is permitted on both sides of interior street;
  - (6) No mobile home shall be located closer than twenty (20') feet to the nearest other mobile home or structure;
  - (7) Cul-de-sacs shall be provided with a turnaround for emergency service and vehicles having forty (40') foot radius. All interior streets shall be retained as private streets on mobile home park property; and

- (8) Mobile home parks shall be located on ground that is not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the mobile home park. Topographic information and National Flood Insurance to elevations shall be provided to determine areas susceptible to flooding.
- (h) Facilities Required: Each mobile home park shall provide minimum facilities for occupants as follows:
  - (1) Plumbing Installations: All plumbing installations shall conform to any and all applicable city and state building codes. Furthermore, each mobile home shall be required to make separate connection with sanitary sewer facilities or Health-Department approved septic tanks immediately upon occupying a mobile home site. A minimum of four (4") inch connections shall be required and shall have approved fittings to insure a water-tight connection and means for capping or closing such connection when it is not in use;
  - (2) Garbage and Trash Containers: At least one (1) covered garbage and trash container (thirty (30) gallons maximum capacity) shall be provided for each mobile home; containers shall be placed on racks which are approved by the County Health Department, and such racks shall be located within the mobile home park at a point which is readily accessible for collections and screened from public view. In lieu of requiring individual garbage and trash containers for each mobile home, other approved garbage and trash disposal facilities may be provided with the approval of the County Public Health Department; and
  - (3) Front Porches: Each mobile home must be provided, at the front entrance, with a minimum of a ten (10') feet by (10) feet approved porch constructed in accordance with building code requirements.

**SR 6.           Planned Unit Developments**

***I.       Residential Developments:***

- a.     PUD's shall be permitted only when requested as a Conditional Use and accompanied by a rezoning request to one of the following Zoning Districts: CU-R-40; CU-R-20; CU-R-15; CU-R-12.5; CU-R-10 and CU-GRD
- b.     Application for PUD shall be approved only if the following findings are made:
  - (1)    That application of planned unit development requirements to the property will produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern;
  - (2)    That application of planned unit development requirements to the property will encourage innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible, and environmentally sensitive design;
  - (3)    That application of planned unit development requirements to the property will produce a development functioning as a cohesive, unified project; and

That application of planned unit development requirements to the property will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the City.
- c.     An approved PUD Conditional Use Permit and the approved verified development plan shall govern all uses and development activities in a PUD.
- d.     Except as otherwise provided by this SR, a PUD shall be subject to all the applicable standards, procedures and regulations of the other parts of this ordinance.
- e.     Minimum Size: No PUD shall be approved for a site of less than that shown in the following table. The site must be contiguous property under unified ownership or control.

Districts	Minimum
CU-R-40, CU-R-20, CU-R-15, CU-R-12.5, CU-R-10	12 acres
CU-GRD	6 acres

- f. USES: Uses permitted in a PUD shall be in accordance with the following schedule, provided, that uses to be in a PUD shall be stated in the conditional use permit.

Districts	Uses
All	<p>1) All uses permitted in the corresponding Principal District</p> <p>2) In PUDS of 25 acres or more, all uses permitted in the B-2 and O-I Districts except that the residential component shall be in accordance with the uses of the corresponding Principal District.</p>

- g. Limitations on Uses: In a PUD that qualifies for such uses by size, O-I and B-2 uses shall not exceed ten percent (10%) of the total land area and at no time shall the cumulative amount of land development for O-I and/or B-2 purposes exceed the cumulative amount of land development for residential purposes.
- h. Development Standards: Development in a PUD shall be exempt from the minimum required lot width, front yard, side yard and rear yard requirements of the Schedule of District Regulations and from Section 3.2 and 3.3 relating to relationship of buildings to lots and access to streets provided that the following development standards are followed. The overall residential density limitation and residential building types of the corresponding principal district shall apply in a PUD provided that a density bonus which may involve a different residential development type may be permitted during the PUD approval process as provide for herein.
1. Lot size: The exemption from the Schedule of District Regulation provisions shall not apply in the following situations:

- i. No lot for a single family detached dwelling shall be less than the minimum lot size for a single-family dwelling in the zoning district in which the PUD is located. Where the zoning district permits attached and multi-family developments such uses are permitted subject to the Special Requirements for such developments.
2. Vehicle Access:
  - i. Areas between structures shall be covered by easements where necessary for access and to provide for maintenance and utility service.
  - ii. Primary vehicular access to office or commercial development shall not be through intervening residential development.
  - iii. Local streets shall be located and designed so that they do not encourage through access by traffic with origins and destinations out side of the development.
3. Pedestrian Access: PUD's shall be designed and developed and uses so arranged to promote pedestrian access within the development.
4. Non-Residential Areas: Non-Residential areas in PUD's shall be designed and located to principally serve the residents of the PUD and the immediate surrounding area.
5. Boundary Treatment: The scale and setbacks of development in a PUD within one-hundred and fifty (150) feet of the perimeter of the PUD shall be in harmony with development on adjacent lands.
6. Environmentally Sensitive Areas: One of the principal purposes of the PUD procedure is to protect environmentally sensitive areas through the use of innovative arrangement of buildings and spaces. It is the intent of the PUD process that significant consideration in planning and design of PUD's shall be given to the following elements such as but not limited to:
  - i. Floodway and floodway fringe areas
  - ii. Steep slopes and knolls
  - iii. Wetlands



- iv. Water supply watersheds and recharge areas
- v. Rock outcrops
- vi. Soil erosion and storm water management
- vii. Tree and foliage preservation
- viii. Habitat for threatened or endangered species
- ix. Areas of historical, archaeological or architectural significance.
- x. Useable open space; recreation area

In any case where the City Council finds in its opinion that the PUD provides for significant protection or enhancement of any one or more of the above elements, or a similar element as determined by the City Council, the Council may award a bonus of up to ten (10) percent increase in residential dwelling units for a PUD and may permit such additional dwelling units to be of a development type not otherwise permitted in the PUD. The determination by the City Council of the significant protection or enhancement of a particular element shall be based upon a comparison between the type of development that could be placed on the property under the current zoning and other regulations and the proposed development scheme for the PUD.

- 7. Unified Development Plan: The application for a PUD Conditional Use Permit as part of a Conditional Use rezoning shall be accompanied by a unified development plan in the form of a site specific development plan .
- 8. Phased Development: A PUD may be developed in phases in the same manner as a subdivision and subject to the phasing requirement for subdivisions.

## ***II. Non-Residential Developments:***

- (a) PUD's consisting of two or more principal buildings to be constructed on two or more acres consisting of one or more parcels of land shall be exempt from the dimensional requirements of the zoning district in which located provided the following requirements are met:
  - (1) Permitted uses in a PUD are restricted to those permitted in the zoning district in which the project is located.
  - (2) Overall intensity or density of development of the land shall be no greater and the standard of open space shall be no less than that permitted in the zoning district in which the project is located.
  - (3) Building heights in the project shall not exceed the height limits permitted in the zoning district, which the project is located.

- (4) The property included in the project shall, along its exterior boundary, meet the front, rear and side yard requirements of the zoning district in which the project is located.
- (5) PUD's may consist of one or more parcels of land and may be subdivided for the purpose of the project. The following requirements shall be met concerning the interior arrangement of the cluster project:
  - (1) Buildings are required to meet external property line setbacks but are exempt from meeting the minimum yard requirements for internal property lines.
  - (2) Buildings shall either adjoin each other or be separated by a minimum distance of twenty (20) feet.
  - (3) Overall parking requirements for the project shall be met. However, all or part of the parking requirement for a use may be located on another parcel in the project.
  - (4) Overall watershed impervious surface area requirements for the project shall be met. However, impervious surface area requirements may be transferred from one parcel to another in the same watershed district.
  - (5) Sign provisions shall not be exceeded but may be transferred provided that district requirements are not exceeded.
- (6) In any case where buildings are to be constructed closer to an internal property line than permitted by the zoning district, in any case where parking, impervious surface or signs are to be transferred, or in any case of other shared facilities between separate parcels in a PUD that are needed to support the project, such as common drives and entrances and exits, a recorded perpetually binding agreement between all the property owners involved in the project shall acknowledge such common facilities.

**SR 7. Amusements, indoor commercial**

- (a) The facility shall be designed to absorb sound to the maximum extent feasible.

**SR 8. Amusement or Water Parks; Batting Cages; Go-Cart Tracks; Golf Driving Ranges; Miniature Golf Facilities**

- (a) Minimum lot size for all development except miniature golf facilities shall be two (2) acres.
- (b) No principal buildings or structures shall be located within fifty (50) feet of any property line.
- (c) Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of park activities.
- (d) No amusement equipment, machinery, or mechanical device of any kind may be operated within two hundred (200) feet of any residentially zoned property.

**SR 9. Associations and Organizations; Social and Fraternal**

- (a) In the Residential districts:
  - 1. A minimum on one (1) acre shall be required to establish any one of the above uses.
  - 2. All structures including secondary and accessory structures shall be located a minimum of fifty (50) feet from any street line and property lines.
  - 3. Any use listed above-located in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.
  - 4. Existing uses as described above which do not meet the one (1) acre minimum requirement of a.1. above at the time of the adoption of that provision may expand or be reconstructed provided such expansion or reconstruction meets the minimum dimensional requirements of the district in which located.

**SR 10. Dance Halls, Including Nightclubs**

- (a) All principal buildings shall be setback at least 50 feet from any residential zoning line.
- (b) No part of any parking space shall be located within 20 feet of any residential zoning line.

**SR 11. Golf Course; Including Pro Shop; Recreational Facilities, Private; Saddle Clubs, etc.**

- (a) There shall be a fifty (50) foot minimum setback between clubhouses, swimming pools, lighted tennis courts, athletic fields, and other activity areas and adjacent residentially zoned property.

**SR 12. Swim and Tennis Clubs**

- (a) In any residential district the minimum area shall be one (1) acre.
- (b) There shall be a fifty (50) foot minimum setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned property.
- (c) Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum of four (4) feet in height, and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

**SR 13. Cemeteries**

- (a) A minimum of three (3) contiguous acres shall be required to establish a cemetery or mausoleum not located on the same tract of land as a church. This minimum area shall not apply to a family cemetery or mausoleum.
- (b) All buildings and burial sites shall be setback a minimum of twenty (20) feet from all property and public street lines.
- (c) Such facilities shall be organized as Perpetual Care facilities in accordance with state regulations.

**SR 14. Day Care Centers (6 or more).**

An adult or child day care center with six (6) or more attendees shall be operated as a principal use and subject to the following development standards:

- (a) Centers in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.

**SR 15. Nursing and Convalescent Homes; Congregate Care and Group Care; Orphanages**

- (a) In any residential or O-I district
  - 1. A minimum of one (1) acre shall be required to establish any one of the above uses.
  - 2. All structures including secondary and accessory structures shall be located a minimum of fifty (50) feet from any street line and, twenty (20) feet from any other property line.

3. Any use listed above located in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.
4. Existing uses as described above which do not meet the one (1) acre minimum requirement of 1. above at the time of the adoption of that provision may expand or be reconstructed provided such expansion or reconstruction meets the minimum dimensional requirements of the district in which located.

**SR 16. Animal Kennels**

- (a) Minimum lot size shall be as follows:

1 to 10 animals	1 acres
11 to 20 animals	2 acres
21 to 30 animals	3 acres

For each additional acre beyond three (3) acres, an additional ten (10) animals may be permitted. The minimum lot size requirements may be waived if a kennel is constructed to entirely enclose all kennel facilities so as to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, and other objectionable characteristics, provided all building setback requirements are in accordance with subsection (b) below.

- (b) All structures shall have minimum front, side, and rear yards of one hundred-fifty (150) feet. There shall be a separation of at least five hundred (500) feet between residences on adjoining tracts and any building used for kennel operation.
- (c) Sewage disposal system and sanitation control methods as approved by the County Board of Health shall be required for all kennels. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary for removal or disposal because of unsafe or unsanitary conditions by the Health Department.)

**SR 17. Automobile Rental or Leasing; Automobile Sales (New and Used); Farm Machinery Sales and Service; Mobile Home Sales and Service; Motorcycle Sales and Service; Recreational Vehicle Sales and Service; Boat Sales, Repair**

- (a) Sales facilities shall be in a permanent site built structure. Buildings shall consist of at least 80% of the following materials: utility brick, standard brick, stucco, synthetic, colored split faced block, glass stone, tile, or other similar high quality materials.
- (b) All sales and parking lots shall be paved.

- (c) All lighting shall be directed away from adjoining residential properties.
- (d) Vehicles for sale shall be set back from public streets and adjoining property lines a minimum of one-half (1/2) the minimum required building set back.

**SR 18. Automobile Storage; Automobile Towing & Storage; Automobile Wrecking or Junk Yards; Salvage Yards, Scrap Processing; Refuse and Raw Material Hauling**

- (a) Any area covered by six hundred (600) square feet or more of scrap material or seven (7) or more junk vehicles shall qualify as a use of this type.
- (b) A minimum of ten (10) acres is required for such facilities.
- (c) A solid fence or wall not less than eight (8') feet in height shall be placed and maintained around all setback boundaries; an open space setback of at least ten (10') feet shall be maintained around the enclosure; such area shall not be used for storage and shall be grassed and maintained in natural vegetation.
- (d) Weeds and grasses shall be controlled within the facility.
- (e) The height of items inside the facility shall not exceed the height of the barrier fence.
- (f) Items shall not be stored closer than five hundred (500') feet to any adjoining residentially zoned property.
- (g) Stormwater runoff and erosion control measures shall be installed around the site in accordance with state standards.
- (h) All unmounted tires (200 Maximum) shall be stored in an enclosed building to prevent the accumulation of storm water within the well of the tire.
- (i) The owner understands that he/she will be financially responsible for any contamination of the site and/or its environs.

**SR 19. Recreational Vehicle Parks or Campsites**

- (a) Such uses shall comply with the following standards:
  - 1. Yard Requirements. The following yard requirements are hereby established:
    - (a) Exterior. Along any public street or public right-of-way, a setback of at least forty (40) feet from the edge of the public right-of-way shall be maintained.

- (b) Distance between trailers. A distance of at least ten (10) feet shall be maintained between trailers and/or structures. Any accessory structures such as attached awnings, carports or individual storage facilities, shall, for the purpose of this requirement, be considered a part of the trailer.
2. Open Space. A recreational area of not less than ten (10) per cent of the gross site area or two thousand five hundred (2,500) square feet, whichever is greater, shall be maintained in a central and convenient location to all trailer spaces.
3. Lot Area. The lot for the park shall be a minimum of two (2) acres.
4. Density. The density shall not exceed twenty-five (25) trailer spaces per acre of gross area.
5. Parking. Adequate off-street parking and maneuvering space shall be provided on site. The use of any public street, sidewalk or right-of-way or any other private grounds not a part of the travel trailer parking area for the parking or maneuvering of vehicles is prohibited.
6. Streets. All internal roadways shall be stabilized and of adequate width to accommodate the volume and type of anticipated traffic, and in any event, shall comply with the following minimum requirements:
- (a) Internal one-way roadway and roadways on which parking is prohibited shall not extend for more than five hundred (500) feet in total length; serve less than twenty-five (25) trailer spaces; and be at least eleven (11) feet in width.
- (b) Internal one-way roadway and roadways on which parking is permitted on one side and two-way roadways which do not allow parking shall be at least twenty-four (24) feet in width.
- (c) Internal two-way roadways which permit parking on one side only shall be at least twenty-seven (27) feet in width.
- (d) Internal two-way roadways which permit parking on both sides shall be at least thirty-four (34) feet in width.
7. Water. Each travel trailer parking area shall be connected to an approved water supply system, which provides an accessible, adequate, safe and potable supply of water.



8. Sewer. An adequate and safe sewer system shall be provided in all travel trailer-parking areas. Such system shall either be a municipal system or a system approved by the appropriate County or State agency vested with the authority to approve sewage disposal systems.
9. Screening. A screening device at least six (6) feet high and ninety percent (90%) opaque shall be provided where the use adjoins residentially zoned property.
10. Service Building. A central service building containing all necessary toilets, bathhouses and other plumbing fixtures specified in the most current edition of the North Carolina State Plumbing Code, as amended, shall be provided in all travel trailer parking areas. Service building shall be conveniently located within a radius of three hundred (300) feet to spaces which it serves.
11. Trash. The storage, collection and disposal of trash and refuse in the travel trailer parking area shall comply with all applicable regulations.
12. Time of Stay. Neither any person nor any mobile unit shall occupy a trailer space or the travel trailer parking area for a period in excess of thirty (30) days. A register of all occupants, the space occupied, and the time of arrival and departure shall be maintained.

**SR 20. Service Stations (includes the screened storage of inoperable vehicles);  
Automobile Washing Facilities**

- (a) Outdoor storage of not more than five (5) inoperable vehicles associated with the above uses shall be completely screened by a screening device at least six (6) feet in height and ninety percent (90%) opaque.
- (b) Uses subject to this note shall be developed in such a manner as to prevent dust and tracking of mud and debris onto adjoining streets.

**SR 21. Taxi Terminals**

- (a) All storage, repair and service facilities shall be in a completely enclosed building.

**SR 22. Builders Supply Dealers**

- (a) All outside storage shall be completely screened from view from all streets and adjacent residentially zoned property.

- (b) Security fencing, a minimum of six (6) feet in height, shall be provided around all outside storage areas.
- (c) All storage areas shall be maintained in a manner so as to prevent dust from adversely impacting adjacent properties.
- (d) Uses subject to this note shall be developed in such a manner as to prevent dust and tracking of mud and debris onto adjoining streets.

**SR 23. Airports or Air Transportation Facilities.**

- (a) The minimum area shall be fifty (50) acres for Basic Utility Stage 1 airport with two thousand (2000) foot runway.
- (b) Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6) feet in height.

**SR 24. Ammunition, Small Arms.**

- (a) No such facility shall locate within a five hundred (500) foot radius of any residentially zoned property.
- (b) Security fencing shall be provided along the entire boundary of such a facility.
- (c) The facility and its operation shall observe all Fire Prevention and Protection requirements.

**SR 25. Asphalt Plant**

- (a) Any asphalt plant operations shall be located at least fifty (50) feet from any property line.
- (b) Security fencing, a minimum of six (6) feet in height, shall be provided around the perimeter of the operation.
- (c) Rehabilitation:
  1. Within one (1) year after the cessation of production, all equipment and stockpiles incidental to such operation shall be dismantled and removed by and at the expense of the owner.
  2. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainageways, nor to appreciably increase the humidity of any natural water course, or to occlude any existing drainage course.

- (d) All unpaved storage areas shall be maintained in a manner, which prevents dust from adversely impacting adjacent properties.
- (e) Access:
  - 1. Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.
  - 2. Access roads shall be located no closer than fifteen (15) feet to any property line other than a railroad right-of-way line.
  - 3. A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic. Such routes shall be adhered to.

**SR 26. Landfill, Building Debris, Private**

- (a) Setback: There shall be fifty (50) foot minimum distance from any property line.
- (b) Use Separation: There shall be a three hundred (300) foot minimum separation from any residence.
- (c) Access: Access to the landfill shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.
- (d) Dust: All unpaved areas shall be maintained in a manner, which prevents dust from adversely impacting adjacent properties.
- (e) Operation: No filling is permitted in any flood hazard area. No filling is permitted in minor drainageways unless the drainage has been piped in accordance with approved plans. No filling is permitted in utility easements.
- (f) Signs: An information board sign shall be posted and maintained at the entrance, listing the name and phone number of the current operator, the types of material accepted, and the hours of operation.

**SR 27. Landfill, Sanitary, Private**

- (a) An operations and rehabilitation plan shall be submitted for approval prior to permitting.
- (b) Direct illumination resulting from the operation shall not fall upon any land not covered by the application.

- (c) Equivalent sound levels at the boundaries of the fill site shall not exceed the following standards:
  - between 7:00 a.m. and 7:00 p.m. 60 DBA
  - between 7:00 p.m. and 7:00 a.m. 55 DBA
- (d) The Rehabilitation Plan shall be referred to the Soil and Water Conservation District for review and recommendation, in particular regarding the landscape material specified, the planting and maintenance proposed to insure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.
- (e) The permanent roads, defined as those to be used in excess of one (1) year, within the fill site shall be surfaced with a dust free material, such as soil cement, bituminous concrete or Portland Cement concrete.
- (f) Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons are an acceptable means of dust inhibition.
- (g) Where the proposed fill shall take place within three hundred (300) feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six (6) feet high shall be installed.
- (h) The operations plan and the rehabilitation plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consistent with good practices and so that rehabilitation proceeds in concert with filling.

**SR 28. Mining and Quarrying**

- (a) Setback.
  - 1. The edges of any pit where a mining operation is taking place, any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial use operated in conjunction with the mine or quarry shall be located at least fifty (50) feet from any property line.
  - 2. Where the mining operation site is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.
- (b) Security fencing, a minimum of six (6) feet in height, shall be provided around the perimeter of both existing and abandoned operations.



- (c) Rehabilitation:
  - 1. Within one (1) year after the cessation of production at all mining operations, all equipment and stock piles incidental to such operation shall be dismantled and removed by and at the expense of the owner.
  - 2. Except in a case where redevelopment for another permitted use is in progress on the site of an abandoned extraction operation, all excavations shall be graded to reduce the surface to gently rolling topography in substantial conformity to the land area immediately surrounding, and shall be planted with a cover of sod, trees, shrubs, legumes, or grasses which will minimize erosion due to wind or rainfall.
  - 3. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties of public ways, nor to appreciably increase the humidity of any natural water course, or to occlude any existing drainage course.
- (d) All operations involving blasting discernable beyond the external property line of a quarry shall only be conducted between the hours of 7:00 am and 6:00 pm.
- (e) All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (f) Access:
  - 1. Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.
  - 2. Access roads shall be located no closer than fifteen (15) feet to any property line other than a railroad right-of-way line.
  - 3. A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic. Such routes shall be adhered to.

**SR 29. Petroleum and Related Products (Wholesale or Manufacturing).**

- (a) Setback:
  - 1. Storage tanks protected by either an attached extinguishing system approved by the Fire Marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the

diameter or height of the tank, except that such distance need not exceed one hundred and twenty (120) feet.

2. Storage tanks not equipped as indicated in (1) above shall not be located closer to an exterior property line than a distance equal to one and one-half (1 1/2) times the greater dimension of either the diameter or height of the tank, except that such distance need not exceed one hundred and seventy-five (175) feet.
- (b) Above ground storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.
  - (c) Gravel or paved roadways shall be provided to all storage tanks.
  - (d) Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.
  - (e) Dikes:
    1. Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainageways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.

Dikes or retaining wall shall be of earth, steel, concrete, or solid masonry designed and constructed to be liquid-tight and to withstand a full hydraulic head. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet in width. The slope shall be consistent with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, drums, or barrels shall be permitted within the diked area.

2. Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be designed so that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.

- (f) Tank Maintenance:
  - 1. All storage tanks shall be maintained in a leak-proof condition with an adequately painted, rust-free exterior surface.
  - 2. A firm substratum shall be constructed under each storage area to eliminate differential subsidence and to prevent the product from seeping.
- (g) All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association.

**SR 30. Pottery and Related Products**

- (a) All outside display areas shall be setback from public streets and adjoining property lines one-half (1/2) the minimum required building setback.

**SR 31. Water Treatment Plants, Non-Governmental Public; Sewage Treatment Plants, Non-Governmental Public**

In all residential districts such plants shall meet the following standards:

- (a) No use shall be made of the site that is not directly related to the operation of the plant.
- (b) All buildings shall meet the minimum yard setbacks for the district in which located or twenty (20) feet whichever is the greater.
- (c) Screening shall be provided adjoining residential property lines with a six (6) feet high, ninety percent (90%) opaque screen.
- (d) All structures shall be enclosed by a chain link fence at least eight (8) feet in height.

**SR 32. Wireless Telecommunication Towers and Facilities**

A site plan shall be submitted containing the name of the tower owner, property owner, scale, north arrow, and latitude/longitude coordinates. Existing site conditions, including contours, any unique natural or man-made features such as vegetation and ground cover. Exact boundary lines of the property containing the proposed tower construction, fall radius and any associated guide wires. Description of adjacent land use and all property owners(s) and their addresses. A front and side elevation profile, drawn to scale, of all existing and proposed towers and their antennas to be located on the property.



Wireless telecommunication towers and facilities located on property owner by the City of Archdale shall not be subject to a Special Use Permit nor to the standards of this Special Requirement.

- (a) Towers shall have a setback of one foot for each one foot in height of tower, plus twenty-five (25) feet from all property lines and rights-of-way, as measured from ground level.
- (b) Towers shall not be located within a one-half (1/2) mile radius of any other wireless telecommunication tower, unless concealed in a church steeple, farm silo, or other architecturally designed encasement. Furthermore, towers located beyond a one-half (1/2) mile radius and not exceeding three (3) mile radius from any other wireless telecommunication tower shall not be permitted, unless the applicant can prove that co-location is not a viable option and no stealth location is possible.
- (c) Towers shall be no closer than five hundred (500) feet from any existing residential dwelling, excluding any dwellings located on the same parcel of land as the tower.
- (f) Towers shall not exceed three hundred and fifty (350) feet in height as measured from ground level.
- (g) Towers with a height greater than one hundred-fifty (150) feet shall be constructed to permit the capability for the co-location of additional provider antennas as follows:

151 feet to 200 feet -	two additional antennas
201 feet to 250 feet -	three additional antennas
251 feet to 300 feet -	four additional antennas
301 feet to 350 feet -	five additional antennas
- (h) The applicant shall be required to provide written documentation showing that no propose tower lies within a thirty (30) foot to one (1) foot run to rise ratio from the nearest point of the nearest runway of a private airstrip or airport registered with the Federal Aviation Administration (FAA).
- (i) No business signs, billboards, or other advertising shall be installed on a tower, nor shall any tower be painted or have a color considered obnoxious or offensive.
- (j) No offices or outdoor storage of equipment or materials are permitted on tower sites located in a residential district.

- (k) Accessory or component buildings shall be setback fifty (50) feet from all property lines and rights-of-way.
- (l) All structures shall be enclosed by a chain link fence at least eight (8) feet in height and screened with a six (6) foot high, ninety percent (90%) opaque screening.
- (m) The applicant shall be required to provide written documentation stating that the tower is in compliance with all applicable Federal and State regulations.
- (n) Notice shall be provided to the Zoning Administrator when any telecommunication tower is placed out of service. Towers not used for a period of six (6) months or more shall be removed by the owner within one hundred and twenty (120) days of receipt of notification to that effect. The applicant shall also provide the City with written documentation substantiating that the applicant has and will sustain the financial ability to disassemble and remove the tower, once no longer in operation.
- (o) Additional provider antennas and equipment shelters associated with an approved telecommunication tower site are permitted, provided said changes do not increase the setback- requirement beyond the allowable limit according to tower height.
- (p) Tower lighting shall not exceed the minimum for obstruction lighting as administered by the Federal Aviation Administration (FAA).
- (q) All permits, for the construction of a wireless telecommunication tower are issued in reliance upon a presumption that the tower will in fact conform to the plans which are submitted as the basis for the permit. Once constructed, the tower must continue to be maintained in compliance with the provisions of this ordinance.
- (r) The applicant shall be required to notify all property owners within a one-half (1/2) mile radius of a proposed tower with a height greater than two hundred-fifty (250) feet. The notice shall be by certified mail and shall include tower height and design type and date, time and location of proposed meeting.
- (s) The applicant shall be required to provide written documentation stating that it is not viable to co-locate on existing facilities within the coverage area. Facilities includes other towers, elevated tanks, electrical transmission lines, or other structures.
- (t) The applicant shall provide the City with proof of liability insurance which protects against losses due to personal injury or property damage resulting from the construction or collapse of the tower, antenna, or accessory

equipment. Such  
at the time of application.

proof shall be supplied to the City by the applicant

- (u) The applicant shall provide to the Zoning Administrator an inventory of its existing antennas and towers that are either within the jurisdiction of the City or within three (3) miles of the border thereof, including specific information about the location, height, and design type of each tower and antenna. The applicant shall also provide an inventory of potential future tower sites within the jurisdiction of the City. The Zoning Administrator may share such information with other applicants; however, that by sharing this information, it is not in any way representing or warranting that such sites are available or suitable.

**SR 33. Adult Oriented Business**

- (a) No such business shall locate within one thousand (1,000) feet of any other Adult Oriented Business, as measured in a straight line from property line to property line.
- (b) No Adult Oriented Business shall be located within one thousand (1000) feet of a church, public or private elementary or secondary school, library child day care or nursery school, public park, residentially zoned or residentially used property, or any establishment with an on-premise ABC license, as measured in a straight line from property line to property line.
- (c) The gross floor area of any Adult Oriented Business shall not exceed three thousand (3,000) square feet and all business related activity shall be conducted in a building.
- (d) Except for an adult motel, no Adult Oriented Business may have sleeping quarters.
- (e) There shall not be more than one (1) Adult Oriented Business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any Adult Oriented Business.
- (f) Except for signs as may be permitted by Article IX of this Ordinance, no printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.
- (g) No enclosed or underground parking shall be permitted.

**SR 34. Temporary Events and Structures**

The Zoning Administrator may issue a permit for temporary events and structures provided he makes the following affirmative determinations:

- (a) The duration of the event will be for fourteen (14) days or less.
- (b) The location for the event has not had more than two (2) temporary events in the past twelve (12) months and no events in the past thirty (30) days.
- (c) The owner of the property, or his agent, has authorized in writing for the event to be held on the property.
- (d) The application for the permit is made at least five (5) working days prior to the event.
- (e) That ample off-street parking is available.
- (f) That arrangements are made for suitable garbage disposal and site clean-up.
- (g) That activities within one thousand (1,000) feet of residences not on the site are to be conducted in such a manner as to not create noise that will disturb the occupants of residences.

**SR 35      Restaurants (with drive through)  
                 Restaurants (no drive through)**

- (a) Amplified sound shall not be detectable on adjoining property zoned residential.
- (b) Provisions for lighting, traffic circulation, buffering and noise mitigation shall be presented to review with the special use permit application.
- (c) Any restaurant permitting on premises consumption of alcoholic beverages shall meet the following additional requirements:
  - (1) The main entrance shall be oriented away from any adjoining residentially zoned property.
  - (2) Parking and parking circulation areas shall be no closer than twenty (20) feet to the Property line of any adjoining residentially zoned property.
  - (3) A six (6) foot opaque fence shall be erected at the property line of adjacent Residentially zoned property.

**SR 36            Hotels and Motels.**

- (a)    The lot or parcel shall have direct access to a major or minor thoroughfare.
- (b)    Where the property line of the hotel or motel is adjacent to property in a Residential Zoning District or a residential use, all hotel and motel buildings shall be located at least 50 feet within the property line of the hotel or motel. Buffer strips as defined in Section 10.2(a) shall be provided along the property line abutting the Residential Zoning District or residential use.
- (c)    The isosceles triangle (yard space triangle) method shall be implemented as per Article VII(l). At no point shall any part of the hotel or motel building be less than 50 feet from the property line of the hotel or motel.
- (d)    Any accessory commercial activities such as restaurants and any outdoor recreational activities such as swimming pools shall not be located along the side of the property adjacent to a Residential Zoning District or residential use.

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**Zoning Ordinance  
City of Archdale**

**Article I. PURPOSE, AUTHORITY AND TITLE**

**Section 1.1 Purpose**

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and for the purpose of (1) Promoting the public health, safety, morals, and general welfare; (2) Promoting the orderly growth and development of the City of Archdale and the surrounding area; (3) Lessening congestion in the street and roads; (4) Providing adequate

light and air; (5) Securing safety from fires, panic, and other dangers; (6) Preventing the overcrowding of land; (7) Avoiding undue congestion of population; (8) Facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things to the character of each Zoning District and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Jurisdiction.

### **Section 1.2 Authority**

This Ordinance is enacted pursuant to the authority conferred by Article 19 of Chapter 160A of the General Statutes of North Carolina.

### **Section 1.3 Title**

This Ordinance shall be known as the Zoning Ordinance of the City of Archdale, North Carolina and may be referred to as the Zoning Ordinance. The map referred to herein is identified by the title Official Zoning Map, Archdale, North Carolina and may be known as the Zoning Map.

## **ARTICLE II. JURISDICTION, MAP**

### **Section 2.1 Territorial Jurisdiction**

For the purpose of this Zoning Ordinance, the zoning jurisdiction of the City of Archdale shall include the land within the corporate limits of the City and that land located between these limits and the boundaries established in the municipal ordinance establishing extraterritorial jurisdiction boundaries, as now or hereafter fixed.

### **Section 2.2 Incorporation of Zoning Map**

The Official Zoning Map, Archdale, North Carolina and all notations, references and other information shown on the map are hereby incorporated and made a part of this Ordinance.

### **Article III. APPLICATION; GENERAL PROVISIONS; EXCEPTIONS AND MODIFICATIONS**

#### **Section 3.1    Zoning Affects Every Building and Use; Bona Fide Farms Exempt**

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided in this Zoning Ordinance. Bona fide farms, with the exception of swine farm operations, are not affected by these regulations but any use of farm property for non-farm purpose is subject to these regulations. Swine farm operations as defined herein are prohibited within the jurisdiction of this Ordinance.

#### **Section 3.2    Relationship of Buildings to Lot**



Every building hereafter erected, moved or placed shall be located on a lot and in no case shall there be more than one (1) residential building on a lot except as otherwise provided for in group residential developments. In any case where more than one principal building is permitted on a lot, such buildings shall be separated by twenty (20) feet unless a lesser distance is other wise specifically permitted by this Ordinance.

### **Section 3.3 Street Access**

No building, structure or use of land shall be established on a lot nor shall any lot be created that does not abut upon a public street as defined herein to which it has legal access for a distance of not less than thirty-five (35) feet. Provided, the following exceptions shall apply to the access requirement:

1. The access requirement shall not apply to lawfully existing lots of record with a minimum of thirty-five (35) feet of frontage on a dedicated but not maintained street.
2. The access requirement shall not apply to developments exempt from the public street access by Article VI.
3. The access requirements shall not apply to lots on approved private streets.

### **Section 3.4 Lot of Record**

Where the owner of a lawfully existing lot of official record in any residential district or the owner's successor in title thereto does not own sufficient contiguous land to enable the owner to conform to the minimum lot size requirements of this Ordinance, such lot may be used as a residential building site, where permitted, provided, however, that the other requirements of the district are complied with or a variance is obtained from the Board of Adjustment.

Notwithstanding the foregoing, whenever two (2) or more adjoining vacant lots of record are in a single ownership at any time after the adoption of this Ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as one or more lots which meet the minimum requirements of this Ordinance for the district in which such lots are located.

### **Section 3.5 Open Space Requirements**

No part of a yard, court or other open space provided around any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required under this Ordinance for another building or structure. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except as provided for in this section. However, certain accessory structures are permitted to be placed in the required yard areas as provided for herein.

### **Section 3.6    Reduction of Lot and Yard Areas Prohibited**

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth in this Ordinance, except as provided for in Sec. 1-6 (c ) of the Subdivision Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

### **Section 3.7    Water and Sewer Requirements**

The lot sizes required for the various Districts in this Ordinance were drawn based upon the assumption that adequate water supply and sewage disposal systems are available to each and every lot. The lack of adequate systems for one or both facilities may require larger lot areas or, in some instances, because of Health Department Standards, may not permit development as intended.

### **Section 3.8    Height Limitation Exceptions**

The height limitations of this Ordinance shall not apply to public buildings, churches, temples, schools, hospitals, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, flag poles and similar structures, provided such structures meet the required North Carolina Building Code. Height limitations shall apply to cellular telephone towers and communication towers as regulated herein.

### **Section 3.9    Building Setback Exceptions**

Setback distances shall be measured from the property line or street right-of-way line to the nearest portion of any building, or structure excluding:

1.     Unenclosed porches, attached carports, balconies, fire places, or decks which do not project into any required yard more than three (3) feet; and
2.     Chimneys, flues, coves, roof overhangs, window sills and bay windows which do not project into any required yard more than three (3) feet; and
3.     Patios, drives, walkways, if no portion of the same extends more than twelve (12) inches off the ground; and
4.     Any structure that is a mere appendage to a building, such as a flagpole, or fountain.

### **Section 3.10    Double Frontage Lots**

In all Zoning Districts, Double Frontage Lots shall provide the minimum yard requirements for Front Yards along both street fronts.

### **Section 3.11 Visibility at Intersections**

On a corner lot in any district no planting, structure, sign, fence, wall or obstruction to vision more than three (3) feet in height measured from the centerline of the street shall be placed or maintained within the triangular area formed by the intersecting street centerlines and a straight line connecting points on said street centerlines, each of which is 20 feet distance from the point of intersection.

### **Section 3.12 Temporary Buildings**

Temporary buildings, including mobile structures, incidental to a construction project may be permitted to be used concurrent with the permit for permanent building(s) construction. Such temporary building shall be removed promptly upon completion of construction. No such building shall be used for dwelling purposes. Temporary buildings shall be located at least 25 feet from any property used for residential purposes.

### **Section 3.13 Computing the Number of Multi-Family Type Dwelling Units**

In computing the number of multi-dwelling type units (including attached units) permitted for a given area of land, subtract the amount of land area in square feet required for the first dwelling unit from the total net land area and then divide the remainder by the amount of land required for each unit over one. The quotient plus one is the number of dwelling units permitted for the given area of land. For example, on a land area of 54,000 square feet located in the GRD Residential District:

$$\begin{array}{r} 54,000 \text{ (Total Net Land)} \\ \underline{12,000 \text{ (First Two Dwelling Units)}} \\ 42,000 \text{ (Remainder)} \end{array}$$

$$\begin{array}{l} 42,000 \text{ divided by } 3000 \text{ (each additional dwelling unit)} = 14 \\ 14 + 2 = 16 \end{array}$$

Therefore sixteen (16) multi-family dwelling units may be placed on the 54,000 square-foot property. Fractional units over one-half (1/2) may be rounded to the next higher whole number when the base number of units is twenty (20) or more.

On projects with one building per lot, the computation must be repeated for each lot separately. On projects with more than one building on a lot, the computation need only be made one time.

### **Section 3.14 Entrances/Exits to Public Streets**

Entrances and exits to public streets shall be placed and constructed in accordance with the "Policy on Street and Driveway Access to North Carolina Highway" adopted by the North Carolina Department of Transportation (NCDOT), as amended. No portion of any entrance

driveway leading from a public street shall be closer than twenty (20) feet to the corner of any intersection measured from the right-of-way line. The width of any entrance driveway leading from the public street shall not exceed thirty (30) feet at its intersection with curb or street line. No two driveways on a single lot leading from a public street shall be within twenty (20) feet of each other measured along the right-of-way.

### **Section 3.15 Projections into Front Yards in Commercial and Industrial Districts**

In commercial and industrial districts, open, unenclosed gasoline pump canopies, gasoline filling and related equipment and similar facilities may project into one-half (1/2) the front yard setback requirement for the district.

### **Section 3.16 Outdoor Lighting**

Plans for outdoor lighting shall be required for all new development proposals. It shall specifically show the location of all proposed outdoor lighting fixtures to be constructed on any development.

The following restrictions apply to outdoor lighting in all zoning districts:

- D. For any new nonresidential use, outdoor lighting shall be located, screened, or shielded so that the abutting lots located in any residential district are not directly illuminated.
- E. For all new residential construction, lighting fixtures must be located, screened, or shielded in order to prevent direct glare onto neighboring residential lots.
- F. All existing outdoor lighting shall be located, screened, or shielded in a manner as not to cause glare or impair the vision of motorists nor to illuminate a neighboring residential lot.

### **Section 3.17 Outdoor Storage and Display**

Outdoor storage and/or display of items for sale or advertising purposes shall be prohibited in the O & I Districts. In the B-1, B-2, M-1 and M-2 Districts, outdoor storage and/or display shall be limited to items which are designed and intended for permanent outdoor usage. Such outdoor storage and/or display areas shall conform to a minimum of one-half (1/2) the minimum required building set back. Yard sales, involving non-outdoor items, may be permitted in the B-1, B-2, M-1 and M-2 Districts not to exceed two (2) two-day events per year.

### **Section 3.18 Class C Mobile Homes Prohibited**

After the effective date of this Ordinance no Class C Mobile Home shall be placed in the jurisdiction of this Ordinance nor shall any Class C Mobile Home that is existing within the jurisdiction of this Ordinance be moved, and placed at any other location within the jurisdiction of this Ordinance.

### **Section 3.19 Use of Mobile Homes and Other Vehicles for Storage Prohibited**

The use of mobile homes , truck trailers, or travel trailers for storage purposes shall be expressly prohibited in all zoning districts.

### **Section 3.20 Minimum Regulations**

Regulations set forth by this Ordinance shall be minimum regulations. If the requirements set forth in this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinance, the more restrictive or higher standards shall govern.

### **Section 3.21 Fees**

Applicants for permits and other procedures as provided for by this Ordinance may be required to pay such fees as may be established by the City Council in the Schedule of Fees and Charges.

## **Article IV. ESTABLISHMENT OF ZONING DISTRICTS**

### **Section 4.1 Primary Zoning Districts Established: Purposes Set Forth**

For the purposes of this Ordinance, the City of Archdale, North Carolina, and the area comprising its extraterritorial zoning jurisdiction are hereby divided into the following primary use districts:

#### **Section 4.1.1 R-40 Residential District**

The R-40 Residential District is established for low density residential and rural agricultural purposes with some limited public, semi-public, and passive recreational uses permitted when they are compatible with low density residential development. As municipal services become available to such areas it is anticipated that the R-40 District will be considered for rezoning to other districts.

**Section 4.1.2 R-20 Residential District**

The R-20 Residential District is established primarily for balance of watershed areas, requiring low density residential development with some limited public, semi-public, and passive recreational uses when they are compatible to low density residential developments.

**Section 4.1.3 R-15 Residential District**

The R-15 Residential District is established for moderately low residential uses with some limited public, semi-public, and passive recreational uses permitted when they are compatible with moderately low density residential developments.

**Section 4.1.4 R-12.5 Residential District**

The R-12.5 Residential District is established for medium density residential development with some limited public, semi-public, and passive recreational uses permitted when they are compatible with medium density residential developments.

**Section 4.1.5 R-10 Residential District**

The R-10 Residential District is established for medium to high density residential development with some limited public, semi-public, and passive recreational uses permitted when they are compatible with medium density to high density residential developments.

**Section 4.1.6 Group Residential District**

The intent of the Group Residential District is to ensure that group developments are zoned and planned so as to provide adequate open space, access and circulation within the development and sufficient buffers to ensure compatibility with surrounding land uses. Limited public, semi-public and commercial uses are permitted when they are compatible with these uses.

**Section 4.1.7 Office and Institutional District (OI)**

The Office and Institutional District is established to provide for business and professional office service occupations and light commercial uses. Because the office and institutional uses are subject to the public view, developers and operators of offices and businesses should provide an appropriate appearance, parking and design of entrances and exits to offices and businesses in a manner to minimize the traffic congestion.

**Section 4.1.8 B-1 Business District**

The B-1 Business District is established to provide for retailing goods and services to the passing motorists and residents living in the area. Because the business uses are subject to the public view, developers and operators of businesses should provide an appropriate appearance, parking and design of entrances and exits to businesses in a manner to minimize traffic congestion. The regulations of this district are designed to permit a concentrated development of permitted uses while maintaining a substantial relationship between the intensity of land uses and the capacity of utilities and streets.

**Section 4.1.9 B-2 Neighborhood Business District**

The B-2 Neighborhood Business District is established to provide for a compact neighborhood shopping district which provides convenience goods such as groceries and drugs and some types of personal services to the surrounding residential area. The regulations are designed to protect the surrounding residential districts and provide an appropriate community appearance. Parking and design of entrances and exits to businesses must be established in a manner to minimize traffic congestion.

**Section 4.1.10 M-1 Heavy Manufacturing District**

The M-1 Heavy Manufacturing District is established for those areas of the community where the principal use of land is for manufacturing, industrial and warehousing uses. These uses, by their nature, may create some nuisances that are not properly associated with residential, institutional, commercial and/or service establishments. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties.

**Section 4.1.11 M-2 Light Industrial District**

The M-2 Light Manufacturing District is established for industry assembly, fabrication and warehousing located on planned sites with access to major highways and streets and with adequate utility facilities. This district is intended to allow a lower density of manufacturing and warehousing operations which create a more desirable appearance and less environment pollution than a more dense manufacturing zone. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby development property. The purpose of these regulations is to control building and traffic congestion and to provide an appropriate community appearance.

#### **Section 4.2 Conditional Use Districts Established: Purposes Set Forth**

There is also established a Conditional Use District (CUD) which corresponds to each of the districts authorized by this ordinance as follows:

R-40 - CUD	O&I - CUD
R-20 – CUD	B-1 - CUD
R-15 – CUD	B-2 - CUD
R-12.5 – CUD	M-1 - CUD
R-10 – CUD	M-2 - CUD
GRD- CUD	

It is recognized that certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Where the applicant for rezoning desires property to be rezoned to such a district in such situations, the Conditional Use District is a means by which such special conditions can be imposed in the furtherance of the purpose of this Ordinance. The Conditional Use District classification will be considered for rezoning only upon request of a property owner. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such Conditional Use Permit shall be null and void and of no effect and that proceedings shall be instituted to rezone the property to its previous zoning classification.

Within a CUD, only those uses authorized as permitted or special uses in the zoning district with which the CUD corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards. In addition, within a CUD no use shall be permitted except pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use and uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include conditions not generally a part of land development controls. In granting a Conditional Use Permit the City Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.

The authorization of a Conditional Use Permit in any CUD for any use which is permitted only as a Special Use Permit in the zoning district which corresponds to the CUD shall preclude any requirement for obtaining a Special Use Permit for any such use in a separate procedure.

#### **Section 4.3 Roadway Overlay District Established: Purposes Set Forth**

The Primary and Conditional Zoning Districts established in this article may also be zoned Roadway Overlay District as designated herein and as shown on the official Zoning Maps. In such case the land is subject to not only the requirements of the underlying primary or



conditional zoning districts but also the additional requirements of the Overlay District. The purpose of the Roadway Overlay District is to provide for the protection and preservation of thoroughfare corridor to avoid undue congestion and significant deterioration of service levels while at the same time provide for the preservation and enhancement of the appearance of the roadway corridor.

#### **Section 4.4      District Boundaries Shown on Zoning Map**

The boundaries of the districts are shown on the map accompanying this Ordinance and made a part hereof entitled Official Zoning Map, Archdale, North Carolina. The Zoning Map and all the notations, references and amendments thereto, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map were all fully described as set out herein. The Zoning Map is posted at the Archdale City Hall and is available for inspection by the public.

#### **Section 4.5      Rules Governing Boundaries**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official Zoning Map, the following rules shall apply:

- A.      Where district boundaries are indicated as approximately following the center lines of streets or highways, street or railroad right-of-way lines or such lines extended, such center lines, street or railroad right-of-way lines shall be construed to be such boundaries.
- B.      Where district boundaries are so indicated that they approximately follow platted lot lines, such lot lines shall be construed to be said boundaries.
- C.      Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways, or railroads, or right-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by use of the scale shown on said Zoning Map.
- D.      Where any street or alley is hereafter officially closed, vacated or abandoned, the zoning district adjoining each side of the street or alley shall be automatically extended to the center of the street or alley, and all lands which are included in the closed portion shall thereafter be subject to the regulations of the extended districts.
- E.      Boundaries indicated as approximately following City limit lines shall be construed to follow such City limit lines.
- F.      Where district boundaries are indicated as following topographic contours, drainage divides or specific measured distances such features shall be construed

to be such boundaries.

- G. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- H. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- I. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or if further uncertainty exists as to the location of boundaries or applicability of zoning districts, the Board of Adjustment shall interpret the intent of the Zoning Map as to the location of such boundaries, and the applicability of such districts.
- J. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance the Board of Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

#### **Section 4.6      Determining Permitted and Conditional Uses, Principal Uses and Mixed Uses**

The listings of Permitted and Special Uses in the various Districts in this Ordinance are considered to be specific in regard to the types of uses intended for each of the various Districts. In determining proposed uses, the Zoning Administrator shall classify the form and function of the use. When a proposed use is not specifically listed in the Table of Permitted and Special Uses, the Zoning Administrator shall determine if the use is the same as, or manifestly similar to, a listed use in form and function. If the Zoning Administrator finds that the proposed use is the same as, or manifestly similar to, a listed use, he shall classify the proposed use as the listed use. If the Zoning Administrator finds that a proposed use is not the same as, or is not manifestly similar to, a listed use, he shall classify the proposed use as not permitted. In each case, the Zoning Administrator shall maintain a written record of such determinations.

In determining what is a principal use, the principal use shall be considered as the primary purpose or function that a lot or structure serves or is proposed to serve. An accessory use shall be considered a structure or use that:

- 1) is clearly incidental to and customarily found in connection with a principal building or use;
- 2) is subordinate to and serves a principal building or a principal use;
- 3) is subordinate in area, extent, or purpose to the principal building or principal use served;
- 4) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and

- 6) is located on the same lot and zones the same as the principal building or use served.

Two or more principal uses may, in some cases, be permitted to occupy the same land or buildings as long as each is a permitted use and the building separation required by Section 3.2 is provided.

## **Article V. SCHEDULE OF DISTRICT REGULATIONS**

### **Section 5.1      Primary Zoning Districts Requirements.**

The Primary Zoning Districts as established in Article IV, Section 4.1 shall comply with all of the general and specific requirements of this Ordinance and in particular shall comply with the following standards and requirements:

- A.    Uses.    See Article VI entitled Table of Permitted and Special Uses
- B.    Dimensional Requirements.    See Article VII entitled Table of Area, Land and Height Requirements.
- C.    Location of Accessory Buildings and Structures.    See Article VII entitled Table of Area, Land and Height Requirements.
- D.    Off-Street Parking and Loading.    Off-street parking and loading shall be provided in accordance with the requirements of Article VIII.
- E.    Signs.    Sign shall be regulated by the requirements of Article IX.
- F.    Landscaping and Buffers.    Landscaping and buffers shall be provided in accordance with the requirements of Article X.

### **Section 5.2      Conditional Use District Requirements**

Only those uses authorized as permitted uses or special uses in the zoning district with which the CUD corresponds shall be eligible to be permitted, and all other requirements of the corresponding district shall be met as minimum standards. In addition, within a CUD no use shall be permitted except pursuant to a Conditional Use Permit authorized by the City Council which shall specify the location on the property of the proposed use or uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of right-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include conditions not generally a part of land development controls. In granting a Conditional Use Permit the City Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this ordinance are served, public welfare secured and substantial justice done.

### **Section 5.3      Roadway Overlay District**

1.    Application    The requirements of this section apply to all new construction, including exterior improvements involving more than 50% of a building's façade that is prominently visible from the street in the Roadway Overlay District. These requirements shall also apply if improvements are done to property that is more than 50% of the tax value of the building on the property. These requirements shall not apply to single family residences.
2.    Front Yard Setback.    The front yard setback shall be a minimum of fifty (50) feet as measured perpendicular to the adjacent Roadway right-of-way line.
3.    Minimum Lot Width      The minimum lot width shall be one hundred fifty (150) feet.
4.    Landscaped Overlay Yard.    A landscaped roadway shall be provided by each subject to this requirement. A landscaped roadway yard is a landscaped area generally parallel to the public roadway designed to provide continuity of vegetation along the right-of way and a pleasing view from the road. The landscaped area shall be penetrated only by driveways and crosswalks. The minimum width of the roadway yard shall be ten (10) feet and shall be located within the thirty foot section of the lot closest to the public road right-of-way. Trees shall be planted at a rate of one (1) tree per forty (40) linear feet of street yard excluding driveway and crosswalk area. It shall be landscaped and maintained with a vegetative cover and shall be planted with small and/or medium shrubs at a rate of fifteen (15) per one hundred (100) linear feet of street yard excluding driveway and crosswalk area. The Zoning Administrator may approve a different vegetative landscape type when in his option equal or better performance will result. The following is a sample list of recommended shrubs by common name:

American Boxwood	Common Juniper
Carolina Allspice	Nandina
Flowering Quince	Azalea
Hedge Cottoneaster	Mapleleaf Viburnum
Japanese Holly	Sargents Chinese Juniper
Japanese Barberry	Common Laurelcherry
Purple Beautyberry	Fragrant Sumac
5.    Underground Utilities      All utilities services on the property, including all wire services, shall be placed underground.
6.    Exterior Building Materials    No building elevation including foundation, that is prominently visible from the Roadway Overlay Corridor may be covered with sheet or corrugated aluminum, iron or steel, plain concrete block or exterior panelized plywood. Except, however, such materials may be used as secondary

exterior finish materials if they cover no more than twenty (20) percent of the surface area. Buildings may consist of any of the following materials: utility brick, standard brick, stucco, synthetic stucco, colored split-faced block, glass, stone, tile or other similar high quality materials.

8. Developments with More than One Principal Building.

Developments in the Roadway Overlay District with more than one principal building (including “out parcels” and multi-tenant buildings) shall include similar architectural styles but should not be identical throughout the development. All sides of an individual building shall be treated in an architecturally similar manner. More specifically, the following three “unifying elements” must be significantly presented in each building (including accessory buildings and those buildings located on out parcels) and to the greatest extent practical, in other architectural features of the development (walls, fences, signs, etc.):

- e) Building materials Such materials shall apply to at least 30% of each ground mounted signs as well.
- f) Colors A maximum of three colors may be designated as the unifying element but the maximum number of colors throughout the development are not limited.
- g) Architectural features These include but are not limited to: roof, treatment (style, color, and material), facade treatments or building form (overhangs, canopies, arcades, protected walkways, entrance treatments).

8. Entrances/ Exits to Public Streets

Any lot on of record in the Roadway Overlay District in existence on the effective date of this Section shall be allowed one access point notwithstanding the provisions of this Section that may prohibit such access; provided, however, that two or more lots under common ownership shall be considered one lot and shall comply with the requirements of this section. The maximum number of access points shall be as follows:

<b>Main Street Frontage</b>	<b>Access Points to Main Street</b>
0-299	1
300-999	2
1000 or more	3

Except where access would be denied, driveways shall be located at least 200 feet from the center line of any street intersecting the Roadway and shall be located at least thirty feet from a side property lines, except where a mutual joint access agreement exists which provides for a shared driveway for adjoining owners.

Driveways shall be not less than 120 feet apart, measured along the right-of-way from center of driveway to center of driveway.

9. Signs

The following types of signs shall be prohibited in the Roadway Overlay District:

- a) Off-premises signs
- b) Temporary signs
- c) Portable signs
- h) Movable signs

11. Paved Parking/Landscaped Island

All required parking areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights. No more than ten (10) parking spaces may be in a continuous row without being separated by a landscaping island. *See section 10.4(b)*

11. Solid Waste Facilities

Solid waste storage facilities in the Roadway Overlay District shall consist of a minimum 10' X 20' concrete pad with vehicle apron and a six (6') foot high opaque fence on the sides and rear of the facility with a gated front. Two six (6') foot bollards are also required to protect the fence. The facility shall not be in any required front, side, or rear yard setback.

12. HVAC

HVAC units, when ground mounted, must be located at the rear of the building or along the side where it cannot be seen from the front of the building. When HVAC is roof mounted sufficient screening is required to screen the unit(s) from the public view.

13. Sidewalks

A sidewalk with a minimum width of four (4) feet must be installed within the right-of-way. New sidewalks must join to existing sidewalks on adjacent property. Access for handicapped persons must be provided to sidewalk facilities at appropriate locations, including street intersections.

## **ARTICLE VI. TABLE OF PERMITTED AND SPECIAL USES**

### **Section 6.1 General**

The Table of Permitted and Special Uses which follows contains a listing of uses which may be permitted in one or more of the various Zoning Districts established by this Ordinance. Uses are listed in alphabetical order in nine functional categories. The categories in the order of listing are:

Residential Uses  
Recreational Uses  
Educational and Institutional Uses  
Business, Professional and Personal Services  
Retail Trade  
Wholesale Trade  
Manufacturing and Industrial Uses  
Public Works Facilities, Utilities and Infrastructure  
Miscellaneous

### **Section 6.2 Entries**

The District or Districts in which a particular listed use may be permitted is indicated by an "x" or "s" in the District column(s) opposite the listed use.

### **Section 6.3 Meaning of Entries**

The meaning of the entries in the Table are as follows:

1. "X" indicates the use is permitted by right and a Zoning Compliance Certificate may be obtained.
2. "S" indicates the use requires approval of a Special Use Permit in accordance with the procedures of Section 13.9.

The column on the far right labeled "SR" (Special Requirements) means that there are special additional performance requirements that the use must comply with in its development. These requirements are contained in Section 6.5, "Special Requirements to the Table of Permitted and Conditional Uses." For any use subject to a Special Use Permit, the Special Requirement shall represent the minimum conditions for issuance of a Special Use Permit.



4. The listing of a use in the Table of Permitted and Conditional Uses in no way relieves that use of having to meet all local, State and Federal laws pertaining to the establishment and operation of that use.

**Section 6.4**

**Table of Permitted and Special Uses.**

**(See Table.)**

## **Section 6.5**

## **Special Requirements to the Table of Permitted and Special Uses**

The Table of Permitted and Special Uses of Article VI contains a column on the far right labeled ASR≡ for Special Requirements. In any case where a use listed in the Table of Permitted and Special Uses has a number in the SR column opposite the use, the use must comply with the additional Special Requirements contained in this section corresponding to the Special Requirements number. For example, the use A Mobile Home Park≡ has the number A 5 ≡ in the SR column opposite the use, therefore, the development of a Mobile Home Park must meet the special requirements for SR 5 Mobile Home Park of this section.

### **SR 1. Bed and Breakfast Inns**

In the Residential and O&I Districts:

- a. The maximum number of guest bedrooms shall be six (6).
- b. The inn shall be operated by a resident manager.
- c. The use shall be located in a structure which was originally constructed as a dwelling.
- d. The use shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight guests and residents of the facility.
- e. The use of such a facility by any one patron shall be limited to no more than fifteen (15) days per sixty (60) day period.

### **SR 2. Family Care Home and Family Day Care Home**

A family care home with five (5) or fewer persons or a family day care home with five (5) or fewer persons may be operated as an accessory use to a principal dwelling. Provided, however, no family care home may be located within one-half mile radius of any other family care home as defined by NCGS 168-21. Nor shall any family day care home be located within one mile radius of any other family day care home.

### **SR 3. Group Residential Development**

Group Residential Developments shall be exempt from the Dimensional Requirements of Article; the “one principal building per lot” requirement of Article III, Section 3.2; the Sign Regulations of Article IX; and the Buffering and Landscaping Requirements of Article X, provided that the development complies with all of the requirements of this Section and is granted a Special Use Permit by the City Council as provided for in herein.

As a general guide in approving Special Use Permits for Group Residential Developments, the City Council shall consider the following locational criteria in addition to the other standards of this Section:

Development proposed to contain more than twenty (20) dwelling units shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Thoroughfare

Plan.

Development proposed to contain more than sixty (60) dwelling units shall have one of the following:

- (5) frontage along and direct primary access on two major thoroughfares.
- (6) frontage along and direct primary access on two minor thoroughfares.
- (7) frontage along and direct primary access on one major and one minor thoroughfare.
- (8) two direct entrances on a major or minor thoroughfare.

Developments proposed to contain more than one-hundred (100) dwelling units shall meet the requirements of paragraph .b and above and shall submit a certified traffic engineering report evaluating the capability of the adjoining streets system to carry the traffic generated by the development.

In approving a Special Use Permit for a Group Residential Development, the City Council may modify any standard or requirement of this Section where in the Council's opinion equal or better performance will result. In modifying any standard or requirement the evaluation shall be made with regard to the overall performance in carrying out the purposes of this Ordinance. In approving a modification the Council may prescribe such reasonable and appropriate conditions and safeguards as will in its opinion assure performance and the maintenance of the purposes of this Ordinance.

**B. No Development Until Final Plan Approval And Special Use Permit Issued.**

No development including grading, tree removal or any other land disturbing activities shall take place on any site being considered for a Group Residential Development Special Use Permit until the final plan has been approved and the Special Use Permit issued. Failure to conform to this provision shall constitute a violation of this Ordinance and may constitute grounds for denying or, if a Special Use Permit has been authorized to be issued by the City Council, revocation of that authorization.

**B. Site Plan Approval, Special Use Permit Required**

Three levels of site plan review are required as part of the Group Residential Development Special Use Permit approval process.

**1. Sketch Plan**

A Sketch Plan is required to be submitted to the Planning Director as a prerequisite to submitting a request for a Special Use Permit. The Sketch Plan allows an exchange of information between the developer and city staff. The Planning Director and the Developer shall review the project to evaluate its feasibility in view of the City's development practices and requirements. The Planning Director shall complete the Sketch Plan review process within fifteen (15) days of receipt of a valid Sketch Plan. Once the review process has been completed, one copy of the plan shall be returned to the developer and one copy shall be filed by the Planning Director. This review shall not be construed as an official action of approval by the City.

**2. Preliminary Plan**

A Preliminary plan is required to be submitted as part of the application for a Residential Group Development Special Use Permit. The preliminary plan shall depict, in the judgement of the Planning Director all of the information necessary to determine compliance with the standards for approval of a Residential Group Development. Authorization of a Special Use Permit by the City Council shall constitute approval of the preliminary plan, subject to any corrections, changes or conditions as may be imposed by the Council. In any case where the Preliminary Plan involves a subdivision as defined in the Subdivision Ordinance, approval of the Preliminary Plan shall constitute Preliminary Subdivision Plan approval for the purpose of that Ordinance.

3. Final Plan

The Final Plan shall be submitted to the Planning Director for review for compliance with the Preliminary Plan as approval by the City Council. The Planning Director shall not issue a Special Use Permit for any final plan that is not consistent with the preliminary plan as approved by the Council. The Planning Director shall have fifteen (15) days to make a determination of consistency and issue or refuse to issue a Special Use Permit. The Planning Director's refusal to issue a permit shall be in writing stating the reasons for such refusal. Appeal from the Planning Director's refusal or failure to act within the allotted time shall be made to the City Council. On appeal the Council shall take whatever action it deems appropriate and shall have the authority of the Planning Director to either issue or refuse to issue such Special Use Permit. Where public facilities are involved or required, all construction plans shall have been approved by the appropriate agency prior to the issuance of the Special Use Permit. In any case where a subdivision is involved, the procedure for Final Plat approval of the Subdivision Ordinance shall be followed.

The final plan for a Special Use Permit shall be submitted to the Planning Director for review within two-hundred and seventy (270) days of the date of the authorization of the issuance of a Special Use Permit by the City Council, otherwise the authorization shall be null and void.

A Special Use Permit may be amended or may be voided by application of the permit holder through the same procedure as provided for to obtain a Special Use Permit as set forth in this Ordinance.

C. Basic Dimensional Requirements

1. Residential Density

12,000 square feet of land area for the first two (2) dwelling units; 3,000 square feet for each additional dwelling units

2. Minimum frontage on a Public Street

80 feet

3. Front yard setback

80 feet (see Section N.3.)

4. Side and rear yard setback  
20 feet

5. Maximum Building Height  
35 feet

6. Maximum Building Length (including attached units)  
150 feet

7. Maximum Impervious Surface Coverage  
As provided by the Water Supply Watershed Ordinance but in no case no more than  
50%

8. Building Location Relative to Public Streets.  
All portions of every building shall be located within three hundred (300) feet of a public street that furnishes direct access to the property unless the fire chief determines that on site fire hydrants and service drives will offer adequate protection.

9. Building Separation  
To determine building separation (or position of an individual building or series of attached units), an isosceles triangle (yard space triangle) shall be drawn from each building facade. Facades shall be designated on each building so that a minimum number, normally four, results. The base of the triangle shall be a line connecting the extreme ends of the facade (ignoring one-story storage rooms and other one-story protrusions of one hundred (100) square feet or less, exterior stairways, and decks), and its altitude shall be the length of the base line multiplied by a factor related to the height of the building as shown below:

<u>Number of Stories</u>	<u>Altitude Factor</u>
1	0.4
2	0.5
3	0.6
4 or more	0.7

The isosceles triangle thus established shall not:

- a. Overlap any portion of any other building,
- b. Overlap any other yard space triangle,
- c. Extend across the property lines of the development.
- d. For buildings of more than two (2) stories such isosceles triangles shall not extend into the required front, rear and side planting yards as provided for in Subsection N of this Section.

In addition to the yard space triangles, in no case shall any building be closer than twenty

(20) feet to any other building on the development. Furthermore, buildings shall not be arranged in straight rows oriented in such a way as to resemble rows of barracks.

D. Parking, Drives and Walkways

1. Off-street parking spaces shall be provided in accordance with the following schedule:

1 Bedroom Units	1.8 spaces per unit
2 Bedroom Units	2.0 spaces per unit
3 Bedroom Units	2.4 spaces per unit
Each Additional Bedroom	0.5 spaces per unit

2. Off-street parking shall be designed and constructed in accordance with the geometric design standards set forth in Article VIII.

3. Off-street parking shall be proportionally provided throughout the development based upon based upon need as determined by the City Council.

12. No off-street parking space shall be located closer than ten (10) feet to residential building facade that has a window and/or door.

5. No part of any off-street parking space stall that abuts directly upon a drive shall be located closer than fifty (50) feet to the drives intersection to a public street. No parking stall shall be located on a public street.

6. No more than ten (10) parking spaces may be in a continuous row without being separated by a landscaped area. (See Subsection N A Landscaping)

7. No parking space shall be located in the following areas:

a. The front planting yard consisting of the first fifty (50) feet of the front yard set back where no berm is used or the first thirty (30) feet where an approved berm is used.

b. The side planting yard consisting of the minimum side yard setback.

c. The rear yard planting yard consisting of the minimum rear yard setback.

8. No driveway shall be located closer than fifteen (15) feet to the facade of a residential building.

9. Driveways and parking areas shall be paved to withstand anticipated traffic and loads as determined by the City Council. The general standard for drives is that which is required for local residential street with curb and gutter as set forth in the Subdivision Ordinance.

Turf stone and other less impervious materials may be permitted by the Council for certain parking areas in order to reduce the amounts of impervious surfaces.

10. A series of all-weather material walkways shall be provided linking residential buildings with other destinations such as but not limited to: parking, adjoining

streets, mailboxes, trash disposal, adjoining sidewalks or greenways, on-site facilities such as recreation areas, etc.

#### E. Open Space

A contiguous open space area shall be provided by the development based upon the following schedule:

(a) Developments of less than 100 dwelling units - 10% of the development excluding required front, rear and side yard setbacks.

(b) Developments of 100 dwelling units or more - one (1) acre for each 100 units excluding required front, side and rear yard setbacks. (Developments with 125 dwelling units, for example, would provide one and one-quarter (1 1/4) acres etc.)

In any case where the City Council agrees to accept such a dedication, the dedication of land to the City for recreation purposes shall count to serve this open space requirement on a one to one basis.

#### F. Adjoining Street Improvements

In authorizing to issuance of a Special Use Permit the City Council may require adjoining streets widening, curbs and gutter and/or acceleration/deceleration lanes where in the opinion of the Council such improvements are warranted by the impact of the development. In addition, the Council may require the installation of traffic signal(s) where the Council determines such is warranted based upon the recommendation of the appropriate NCDOT official.

As a general standard for this subsection, all streets adjoining the development shall be provided with the following improvements by the developer where the street adjoins the development:

- a. Street widening and curb and gutter to the width of the classification of the street as set forth in the Subdivision Ordinance.
- b. Sidewalks
- c. Acceleration/deceleration lanes at major entrance(s).

#### G. Storm Water Management

The developer shall implement a storm water management plan prepared and certified by a Registered Professional Engineer and approved by the City Council. The plan shall provide for the control of the first one-half (1/2) inch of rainfall. Runoff control measures may include:

- a. On-site infiltration through undisturbed vegetated areas.
  - b. Engineered infiltration measures such as trenches, retention ponds (wet ponds), or wet detention ponds that reduce the total quantity of runoff.
  - c. Detention structures that reduce the rate and total quantity of runoff.
- The Engineer shall certify that the plan will control the first one-half (1/2) inch of runoff.

#### I. Water and Sewer

Residential Group Developments shall be connected to the City of Archdale water and sewer system. A water and sewer plan prepared by a Registered Engineer and approved by the City shall be implemented by the developer. The developer shall be responsible for obtaining all construction permits.

I. Solid Waste Facilities

The developer shall install solid waste storage facilities consisting of a minimum 10' x 20' concrete pad with vehicle apron and a six foot (6') high stockade fence on minimum of three (3) sides with six foot (6') high bollards to protect said fence. Solid waste facilities shall not be located in any required front, side or rear yard and shall be located at least fifteen (15) feet from any residential building.

J. Active Play Area Locations

Active outdoor play areas such as but not limited to swimming pools, ballfields, tennis courts and basketball courts shall be located at least fifty (50) feet from any adjoining land zones for or used for single-family residential purposes.

K. Utility Lines

All utility lines shall be located underground.

L. Outdoor Storage Facilities Required

Outdoor storage facilities, either attached or freestanding shall be provided for the exclusive use of occupants of the development at a rate of fifteen (15) square feet per dwelling unit for any unit with less heated floor space than the following schedule:

1 Bedroom Units	800
2 Bedroom Units	1000
3 or more Bedroom Units	1200

M. Location of Mailboxes

Mailboxes shall not be located in any required front, side or rear yard setback except where the Postmaster requires otherwise.

N. Landscaping Requirements

3. A tree survey and a landscaping plan shall be submitted with all Residential Group Development Plans. The tree survey shall indicate the type and approximate height, caliper canopy sizes and condition of all existing trees and other significant vegetation on the site. The tree survey shall be used to encourage the retention and protection of monumental and other significant trees and vegetation on the site and to determine the feasibility of using existing vegetation to comply with the landscaping requirements of this section. The landscaping plan shall incorporate all landscaping requirements described herein as they relate to other site design requirements. The landscaping plan shall also include detailed specifications to protect retained or newly planted vegetation during the construction phase.



Such specifications shall include a requirement for fencing or other equally effective measures during construction activity and prohibitions against attaching ropes, nails, cables and similiar material to any tree that is to remain.

4. A 50 foot wide front planting yard shall be provided along all public street rights-of-way for the entire length of the site (excluding driveways and walkways). All existing vegetation designated to be retained shall remain undisturbed. At minimum the planting yard shall include one (1) tree per 500 square feet of land area within the planting area evenly planted throughout the yard. All trees shall be four (4) feet tall at planting and eight (8) feet tall within three (3) years. The yard shall also have one (1) shrub per 15 linear feet of public street frontage (excluding driveways) evenly planted within ten feet of the public street right-of-way. At the discretion of the City Council, existing trees and shrubbery may be used to meet this requirement.
3. Any required planting yard and building setback may be reduced to 50 feet, provided that a landscaped berm is provided adjacent to the public street right-of-way for the entire length of the site (excluding driveways and walkways) at a height at least three (3) feet above adjacent ground level as determined by the City Council. The berm shall include shrubbery at the same rate described in N.2 above. The City Council may also require trees not to exceed the rate described in N.2 above based upon the Council's evaluation of the effectiveness of the berm, shrubbery and any remaining or added vegetation in screening the development. In no case shall a berm have a slope exceeding one (1) foot to two (2) feet horizontal.
4. A 20 foot planting yard shall be provided along all side and rear common property lines (not public streets). For sites adjacent to any R-10, R-12.5, R-15, R-20 or R-40 Zoning District, a screening device consisting of a continuous row of evergreen trees as required in Article XIII.B shall be provided. At the discretion of the City Council, existing trees and vegetation or other suitable device may be used to meet this requirement.
13. All parking areas shall include one (1) shade tree per 2,000 square feet planted evenly within the parking areas. No more than ten (10) spaces may be in a continuous row without being interrupted by landscaping including one (1) shade tree. All trees shall be four (4) feet tall at planting and eight (8) feet tall within three years. Fifteen percent of all parking areas shall be landscaped with mulch, grass, trees, shrubbery and/or flowers beds. Trees and landscaping on the perimeter of parking areas shall not be used to meet these requirements.
14. A double driveway with a landscaped median for all entrances from public streets shall be provided for all developments. The entire entranceway shall be no more than eighty (80) feet wide measured at the edge of the public right-of-way. The median shall include a minimum eight (8) - foot by fifteen (15) - foot landscaped area consisting of mulch, grass, trees shrubbery and/or flowers beds. For developments of twenty (20) or more units the entrance driveway shall provide for a minimum of three traffic lanes, one in and two out, including a left-turn only.
15. One (1) shade tree per 50 linear feet shall be planted along all primary interior driveways (excluding secondary driveways). All trees shall be four (4) feet tall at planting and eight

(8) feet tall within three years.

16. A four (4) foot wide planting area separating all buildings from walkways and other paved areas shall be provided. The planting area shall consist of mulch, grass, trees, shrubbery and/or flowers beds.
17. Lighting shall be provided at intersections of driveways, along walkways, adjacent to parking areas, between buildings and at entranceways. All lighting shall be arranged to reflect away from adjacent properties and streets. Lighting plans shall be endorsed by the utility provider.
18. All landscaping, driveways, parking areas, signs, recreation areas and other physical improvements shall be continually maintained in accordance with the approved Special Use Permit Plan. Failure to do so shall constitute a violation of this Ordinance.
19. One monument-type ground sign shall be provided for each entranceway from a public street. The maximum height shall be six (6) feet above ground level (prior to any berm construction). The maximum copy area shall be 32 square feet. Signs may be located in the front planting yard.

O. Unit Ownership

Developments in which property is proposed to be conveyed in Unit Ownership shall comply with the North Carolina Unit Ownership Act.

**SR 4. Home Occupation, Customary**

- a. Customary home occupations such as dressmaking, cooking and baking, hairdressing, music instruction, the practice of such professions as insurance and accounting may be permitted in the Zoning Districts indicated. The City Council shall decide whether other occupations not listed are within the spirit of this category of uses.
- b. Only one person other than those residing in the home shall be engaged in the occupation.
- c. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- e. There shall be no changes in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation except one non-illuminated sign not exceeding four (4) square feet.
- e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for

parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

- f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or which causes fluctuations in line voltage off the premises.

#### **SR 5. Mobile Home Parks**

The purpose of these mobile home park regulations is to provide an acceptable environment for what are in fact small communities of mobile homes and to establish minimum requirements for issuance of Special Use permits for mobile home parks.

- a. Location of Mobile Homes: After June 16, 1977, it shall be unlawful for any person to locate a mobile home on any lot within the zoning jurisdiction of the City of Archdale except in a mobile home park that has received Special Use approval of the City Council. If a park does not comply with all regulations of this district, individual mobile homes can not be replaced nor can the park expand in size. However, if the entire park is brought up to standards as prescribed in this section, existing mobile homes can be replaced and the park can expand. After June 16, 1977, mobile homes on individual lots cannot be replaced or structurally expanded, although normal maintenance will be permitted if necessary to maintain a safe and healthy dwelling unit.
- c. Temporary Mobile Structures: Although it is the intent of the City of Archdale to restrict mobile homes to mobile home parks, there are specific situations where they may be allowed as temporary facilities:
  - (3) A mobile structure may be used as temporary office quarters, but under no circumstances shall mobile structures be used for human habitation; and
  - (4) Where public schools are permitted, modular units approved by the N.C. Department of Insurance may be located in school property to be used as a temporary classrooms.

Temporary use permits may be issued initially for twelve (12) months, but may be renewed for successive six-month periods as long as the specific conditions described in (a) and (b) continue to exist. Temporary Use permits shall be issued by the Zoning Administration officer.

- c. Facilities Required on Mobile Homes: Every mobile home (except those units referenced in (b)(1)(2) located either in a mobile home park or on an individual lot that existed prior to or after adoption of this zoning ordinance within the zoning jurisdiction of the City of Archdale shall have the following facilities:

- (3) Every mobile home shall be underpinned with a material of a permanent nature, such as masonry, but does not include wood framing; and
  - (4) Every mobile home shall be tied down to a concrete foundation or footing to resist overturning in the events of high winds. All such tie downs shall be in accordance with the State of North Carolina Regulations for Mobile Homes.
- e. Special Use Permit for Mobile Home Parks required: It shall be unlawful for any person to construct, maintain or use any lot or other parcel of land within the jurisdiction of the City of Archdale for a mobile home park until application has been made and a Special Use Permit therefore has been issued by the City Council. The City Council shall, prior to issuing a Special Use Permit, determine if all requirements of this ordinance can be complied with. No on-site improvement may be made until after a permit has been granted by the City Council. A Special Use Permit for a mobile home park may be revoked by the City Council upon finding of fact that a violation of the requirements of this ordinance exists, provided; however, the owner, lessee, or other responsible person is notified in writing of such violation and five (5) days from the date of receipt of such written notice have expired, it shall be unlawful for any person, firm, or corporation to continue such mobile home park or mobile home lot after a Special Use Permit therefore, as required herein, has been revoked by the City Council.
- e. Conflict with Health Department Regulations: In the event the State or County Health Department has adopted regulations governing mobile homes or mobile home parks, the requirements of this ordinance or the requirements of the State or County Health Department, whichever is more stringent, shall govern.
- g. Utilities Required.
  - (2) Water: An adequate and safe supply of water shall be readily available at the mobile home park site. This requirement shall be deemed to have been met: (1) when an approved connection is made to the municipal water system, or (2) when an independent water supply capable of furnishing three-hundred (300) gallons of water per day per available mobile home space and which has been approved by the County Health Department as a safe supply of drinking water is available on the mobile home park or mobile home site;
  - (2) Sewer: Each mobile home park shall be required to have a connection with a municipally approved sanitary sewer system in the manner as required or, if located beyond the municipal service area, a sanitary sewer system approved by the County Health Department. Any extension of the municipal sanitary sewer system required to comply with this requirement shall be made in accordance with the utility extension ordinance or policies or the City of Archdale then in effect. No waste water from washing machines or similar sources shall be discharged on the ground or in streams; and

- (3) Electricity: Each mobile home so parked in accordance with this ordinance must have an individual metered connection to an electric supply and must have an approved fuse disconnect box at the metered location.
- (g) Site Requirements. Site requirements for all mobile home parks shall be as follows:
  - (1) The minimum lot size, tract or parcel of land to be used for a mobile home park shall not be less than two (2) acres in size, and shall contain at least five (5) mobile home spaced as defined in this section. In no event shall there be more than eight (8) mobile homes per acre;
  - (2) The minimum lot size for each mobile home space shall be 5,000 square feet;
  - (3) No mobile home shall be located closer than thirty (30) feet to any public street or exterior boundary line of the mobile home park;
  - (4) Each mobile home space shall have at least two (2) automobile parking spaces;
  - (5) Ingress and egress to the mobile home park shall be made accessible only through driveways or openings as approved by Director of Public Works or North Carolina Department of Transportation. Interior streets shall be graded to a width of thirty-three (33') feet and finished grade, cross-section and profile shall be approved by the City. All interior streets shall have a width of twenty-one (21') feet if no parking is permitted; or thirty-three (33') feet if parking is permitted on one side of the street; or forty-one (41') feet if parking is permitted on both sides of interior street;
  - (6) No mobile home shall be located closer than twenty (20') feet to the nearest other mobile home or structure;
  - (7) Cul-de-sacs shall be provided with a turnaround for emergency service and vehicles having forty (40') foot radius. All interior streets shall be retained as private streets on mobile home park property; and
  - (8) Mobile home parks shall be located on ground that is not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the mobile home park. Topographic information and National Flood Insurance to elevations shall be provided to determine areas susceptible to flooding.
- (h) Facilities Required: Each mobile home park shall provide minimum facilities for occupants as follows:

- (1) Plumbing Installations: All plumbing installations shall conform to any and all applicable city and state building codes. Furthermore, each mobile home shall be required to make separate connection with sanitary sewer facilities or Health-Department approved septic tanks immediately upon occupying a mobile home site. A minimum of four (4") inch connections shall be required and shall have approved fittings to insure a water-tight connection and means for capping or closing such connection when it is not in use;
- (2) Garbage and Trash Containers: At least one (1) covered garbage and trash container (thirty (30) gallons maximum capacity) shall be provided for each mobile home; containers shall be placed on racks which are approved by the County Health Department, and such racks shall be located within the mobile home park at a point which is readily accessible for collections and screened from public view. In lieu of requiring individual garbage and trash containers for each mobile home, other approved garbage and trash disposal facilities may be provided with the approval of the County Public Health Department; and
- (3) Front Porches: Each mobile home must be provided, at the front entrance, with a minimum of a ten (10') feet by (10) feet approved porch constructed in accordance with building code requirements.

**SR 6.           Planned Unit Developments**

***I.       Residential Developments:***

- a.     PUD's shall be permitted only when requested as a Conditional Use and accompanied by a rezoning request to one of the following Zoning Districts: CU-R-40; CU-R-20; CU-R-15; CU-R-12.5; CU-R-10 and CU-GRD
- b.     Application for PUD shall be approved only if the following findings are made:
- (1)    That application of planned unit development requirements to the property will produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern;
- (2)    That application of planned unit development requirements to the property will encourage innovative arrangement of buildings and                   open spaces to provide efficient, attractive, flexible, and                   environmentally sensitive design;
- (3)    That application of planned unit development requirements to the property will produce a development functioning as a cohesive, unified project; and
- That application of planned unit development requirements to the property will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the City.
- c.     An approved PUD Conditional Use Permit and the approved verified development plan shall govern all uses and development activities in a PUD.
- d.     Except as otherwise provided by this SR, a PUD shall be subject to all the applicable standards, procedures and regulations of the other parts of this ordinance.
- e.     Minimum Size: No PUD shall be approved for a site of less than that shown in the following table. The site must be contiguous   property under                   unified ownership or control.

Districts	Minimum
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CU-R-40, CU-R-20, CU-R-15, CU-R-12.5, CU-R-10	12 acres
CU-GRD	6 acres

- f. USES: Uses permitted in a PUD shall be in accordance with the following schedule, provided, that uses to be in a PUD shall be stated in the conditional use permit.

Districts	Uses
All	<p>1) All uses permitted in the corresponding Principal District</p> <p>2) In PUDS of 25 acres or more, all uses permitted in the B-2 and O-I Districts except that the residential component shall be in accordance with the uses of the corresponding Principal District.</p>

- g. Limitations on Uses: In a PUD that qualifies for such uses by size, O-I and B-2 uses shall not exceed ten percent (10%) of the total land area and at no time shall the cumulative amount of land development for O-I and/or B-2 purposes exceed the cumulative amount of land development for residential purposes.
- h. Development Standards: Development in a PUD shall be exempt from the minimum required lot width, front yard, side yard and rear yard requirements of the Schedule of District Regulations and from Section 3.2 and 3.3 relating to relationship of buildings to lots and access to streets provided that the following development standards are followed. The overall residential density limitation and residential building types of the corresponding principal district shall apply in a PUD provided that a density bonus which may involve a different residential development type may be permitted during the PUD approval process as provide for herein.
1. Lot size: The exemption from the Schedule of District Regulation provisions shall not apply in the following situations:



- i. No lot for a single family detached dwelling shall be less than the minimum lot size for a single-family dwelling in the zoning district in which the PUD is located. Where the zoning district permits attached and multi-family developments such uses are permitted subject to the Special Requirements for such developments.

2. Vehicle Access:

- ii. Areas between structures shall be covered by easements where necessary for access and to provide for maintenance and utility service.
- ii. Primary vehicular access to office or commercial development shall not be through intervening residential development.
- iii. Local streets shall be located and designed so that they do not encourage through access by traffic with origins and destinations out side of the development.

3. Pedestrian Access: PUD's shall be designed and developed and uses so arranged to promote pedestrian access within the development.

4. Non-Residential Areas: Non-Residential areas in PUD's shall be designed and located to principally serve the residents of the PUD and the immediate surrounding area.

5. Boundary Treatment: The scale and setbacks of development in a PUD within one-hundred and fifty (150) feet of the perimeter of the PUD shall be in harmony with development on adjacent lands.

6. Environmentally Sensitive Areas: One of the principal purposes of the PUD procedure is to protect environmentally sensitive areas through the use of innovative arrangement of buildings and spaces. It is the intent of the PUD process that significant consideration in planning and design of PUD's shall be given to the following elements such as but not limited to:

- i. Floodway and floodway fringe areas
- ii. Steep slopes and knolls
- iii. Wetlands
- iv. Water supply watersheds and recharge areas
- v. Rock outcrops
- vi. Soil erosion and storm water management
- vii. Tree and foliage preservation
- viii. Habitat for threatened or endangered species
- ix. Areas of historical, archaeological or architectural significance.

- x. Useable open space; recreation area

In any case where the City Council finds in its opinion that the PUD provides for significant protection or enhancement of any one or more of the above elements, or a similar element as determined by the City Council, the Council may award a bonus of up to ten (10) percent increase in residential dwelling units for a PUD and may permit such additional dwelling units to be of a development type not otherwise permitted in the PUD. The determination by the City Council of the significant protection or enhancement of a particular element shall be based upon a comparison between the type of development that could be placed on the property under the current zoning and other regulations and the proposed development scheme for the PUD.

- 7. Unified Development Plan: The application for a PUD Conditional Use Permit as part of a Conditional Use rezoning shall be accompanied by a unified development plan in the form of a site specific development plan .
- 8. Phased Development: A PUD may be developed in phases in the same manner as a subdivision and subject to the phasing requirement for subdivisions.

## ***II. Non-Residential Developments:***

- (a) PUD's consisting of two or more principal buildings to be constructed on two or more acres consisting of one or more parcels of land shall be exempt from the dimensional requirements of the zoning district in which located provided the following requirements are met:
  - (1) Permitted uses in a PUD are restricted to those permitted in the zoning district in which the project is located.
  - (2) Overall intensity or density of development of the land shall be no greater and the standard of open space shall be no less than that permitted in the zoning district in which the project is located.
  - (3) Building heights in the project shall not exceed the height limits permitted in the zoning district, which the project is located.
  - (4) The property included in the project shall, along its exterior boundary, meet the front, rear and side yard requirements of the zoning district in which the project is located.
  - (5) PUD's may consist of one or more parcels of land and may be subdivided for the purpose of the project. The following requirements shall be met concerning the interior arrangement of the cluster project:
    - (1) Buildings are required to meet external property line setbacks but are exempt from meeting the minimum yard requirements for internal property lines.

- (2) Buildings shall either adjoin each other or be separated by a minimum distance of twenty (20) feet.
- (3) Overall parking requirements for the project shall be met. However, all or part of the parking requirement for a use may be located on another parcel in the project.
- (4) Overall watershed impervious surface area requirements for the project shall be met. However, impervious surface area requirements may be transferred from one parcel to another in the same watershed district.
- (5) Sign provisions shall not be exceeded but may be transferred provided that district requirements are not exceeded.
- (6) In any case where buildings are to be constructed closer to an internal property line than permitted by the zoning district, in any case where parking, impervious surface or signs are to be transferred, or in any case of other shared facilities between separate parcels in a PUD that are needed to support the project, such as common drives and entrances and exits, a recorded perpetually binding agreement between all the property owners involved in the project shall acknowledge such common facilities.

**SR 7. Amusements, indoor commercial**

- (c) The facility shall be designed to absorb sound to the maximum extent feasible.

**SR 8. Amusement or Water Parks; Batting Cages; Go-Cart Tracks; Golf Driving Ranges; Miniature Golf Facilities**

- (a) Minimum lot size for all development except miniature golf facilities shall be two (2) acres.
- (b) No principal buildings or structures shall be located within fifty (50) feet of any property line.
- (c) Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of park activities.
- (d) No amusement equipment, machinery, or mechanical device of any kind may be operated within two hundred (200) feet of any residentially zoned property.

**SR 9. Associations and Organizations; Social and Fraternal**

- (a) In the Residential districts:
  - 1. A minimum on one (1) acre shall be required to establish any one of the above uses.

2. All structures including secondary and accessory structures shall be located a minimum of fifty (50) feet from any street line and property lines.
3. Any use listed above-located in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.
4. Existing uses as described above which do not meet the one (1) acre minimum requirement of a.1. above at the time of the adoption of that provision may expand or be reconstructed provided such expansion or reconstruction meets the minimum dimensional requirements of the district in which located.

**SR 10. Dance Halls, Including Nightclubs**

- (a) All principal buildings shall be setback at least 50 feet from any residential zoning line.
- (b) No part of any parking space shall be located within 20 feet of any residential zoning line.

**SR 11. Golf Course; Including Pro Shop; Recreational Facilities, Private; Saddle Clubs, etc.**

- (a) There shall be a fifty (50) foot minimum setback between clubhouses, swimming pools, lighted tennis courts, athletic fields, and other activity areas and adjacent residentially zoned property.

**SR 12. Swim and Tennis Clubs**

- (a) In any residential district the minimum area shall be one (1) acre.
- (b) There shall be a fifty (50) foot minimum setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned property.
- (c) Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum of four (4) feet in height, and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

**SR 13. Cemeteries**

- (a) A minimum of three (3) contiguous acres shall be required to establish a cemetery or mausoleum not located on the same tract of land as a church. This minimum area shall not apply to a family cemetery or mausoleum.
- (d) All buildings and burial sites shall be setback a minimum of twenty (20) feet from all property and public street lines.
- (c) Such facilities shall be organized as Perpetual Care facilities in accordance with state regulations.

**SR 14. Day Care Centers (6 or more).**

An adult or child day care center with six (6) or more attendees shall be operated as a principal use and subject to the following development standards:

- (a) Centers in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.

**SR 15. Nursing and Convalescent Homes; Congregate Care and Group Care; Orphanages**

- (a) In any residential or O-I district
  - 1. A minimum of one (1) acre shall be required to establish any one of the above uses.
  - 2. All structures including secondary and accessory structures shall be located a minimum of fifty (50) feet from any street line and, twenty (20) feet from any other property line.
  - 3. Any use listed above located in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.

4. Existing uses as described above which do not meet the one (1) acre minimum requirement of 1. above at the time of the adoption of that provision may expand or be reconstructed provided such expansion or reconstruction meets the minimum dimensional requirements of the district in which located.

**SR 16. Animal Kennels**

- (a) Minimum lot size shall be as follows:
- |                  |         |
|------------------|---------|
| 1 to 10 animals  | 1 acres |
| 11 to 20 animals | 2 acres |
| 21 to 30 animals | 3 acres |

For each additional acre beyond three (3) acres, an additional ten (10) animals may be permitted. The minimum lot size requirements may be waived if a kennel is constructed to entirely enclose all kennel facilities so as to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, and other objectionable characteristics, provided all building setback requirements are in accordance with subsection (b) below.

- (b) All structures shall have minimum front, side, and rear yards of one hundred-fifty (150) feet. There shall be a separation of at least five hundred (500) feet between residences on adjoining tracts and any building used for kennel operation.
- (c) Sewage disposal system and sanitation control methods as approved by the County Board of Health shall be required for all kennels. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary for removal or disposal because of unsafe or unsanitary conditions by the Health Department.)

**SR 17. Automobile Rental or Leasing; Automobile Sales (New and Used); Farm Machinery Sales and Service; Mobile Home Sales and Service; Motorcycle Sales and Service; Recreational Vehicle Sales and Service; Boat Sales, Repair**

- (d) Sales facilities shall be in a permanent site built structure. Buildings shall consist of at least 80% of the following materials: utility brick, standard brick, stucco, synthetic, colored split faced block, glass stone, tile, or other similar high quality materials.
- (e) All sales and parking lots shall be paved.
- (f) All lighting shall be directed away from adjoining residential properties.
- (d) Vehicles for sale shall be set back from public streets and adjoining property lines a minimum of one-half (1/2) the minimum required building set back.

**SR 18. Automobile Storage; Automobile Towing & Storage; Automobile Wrecking or Junk Yards; Salvage Yards, Scrap Processing; Refuse and Raw Material Hauling**

- (a) Any area covered by six hundred (600) square feet or more of scrap material or seven (7) or more junk vehicles shall qualify as a use of this type.
- (b) A minimum of ten (10) acres is required for such facilities.
- (c) A solid fence or wall not less than eight (8') feet in height shall be placed and maintained around all setback boundaries; an open space setback of at least ten (10') feet shall be maintained around the enclosure; such area shall not be used for storage and shall be grassed and maintained in natural vegetation.
- (d) Weeds and grasses shall be controlled within the facility.
- (e) The height of items inside the facility shall not exceed the height of the barrier fence.
- (f) Items shall not be stored closer than five hundred (500') feet to any adjoining residentially zoned property.
- (g) Stormwater runoff and erosion control measures shall be installed around the site in accordance with state standards.
- (h) All unmounted tires (200 Maximum) shall be stored in an enclosed building to prevent the accumulation of storm water within the well of the tire.
- (i) The owner understands that he/she will be financially responsible for any contamination of the site and/or its environs.

#### **SR 19. Recreational Vehicle Parks or Campsites**

- (a) Such uses shall comply with the following standards:
  - 3. Yard Requirements. The following yard requirements are hereby established:
    - (c) Exterior. Along any public street or public right-of-way, a setback of at least forty (40) feet from the edge of the public right-of-way shall be maintained.
    - (d) Distance between trailers. A distance of at least ten (10) feet shall be maintained between trailers and/or structures. Any accessory structures such as attached awnings, carports or individual storage facilities, shall, for the purpose of this requirement, be considered a part of the trailer.
  - 2. Open Space. A recreational area of not less than ten (10) per cent of the gross site area or two thousand five hundred (2,500) square feet, whichever is greater, shall be maintained in a central and convenient location to all trailer spaces.
  - 3. Lot Area. The lot for the park shall be a minimum of two (2) acres.

4. Density. The density shall not exceed twenty-five (25) trailer spaces per acre of gross area.
5. Parking. Adequate off-street parking and maneuvering space shall be provided on site. The use of any public street, sidewalk or right-of-way or any other private grounds not a part of the travel trailer parking area for the parking or maneuvering of vehicles is prohibited.
6. Streets. All internal roadways shall be stabilized and of adequate width to accommodate the volume and type of anticipated traffic, and in any event, shall comply with the following minimum requirements:
  - (a) Internal one-way roadway and roadways on which parking is prohibited shall not extend for more than five hundred (500) feet in total length; serve less than twenty-five (25) trailer spaces; and be at least eleven (11) feet in width.
  - (b) Internal one-way roadway and roadways on which parking is permitted on one side and two-way roadways which do not allow parking shall be at least twenty-four (24) feet in width.
  - (c) Internal two-way roadways which permit parking on one side only shall be at least twenty-seven (27) feet in width.
  - (d) Internal two-way roadways which permit parking on both sides shall be at least thirty-four (34) feet in width.
7. Water. Each travel trailer parking area shall be connected to an approved water supply system, which provides an accessible, adequate, safe and potable supply of water.
8. Sewer. An adequate and safe sewer system shall be provided in all travel trailer-parking areas. Such system shall either be a municipal system or a system approved by the appropriate County or State agency vested with the authority to approve sewage disposal systems.
9. Screening. A screening device at least six (6) feet high and ninety percent (90%) opaque shall be provided where the use adjoins residentially zoned property.
10. Service Building. A central service building containing all necessary toilets, bathhouses and other plumbing fixtures specified in the most current edition of the North Carolina State Plumbing Code, as amended, shall be provided in all travel trailer parking areas. Service building shall be conveniently located within a radius of three hundred (300) feet to spaces which it serves.
11. Trash. The storage, collection and disposal of trash and refuse in the travel trailer parking area shall comply with all applicable regulations.



12. Time of Stay. Neither any person nor any mobile unit shall occupy a trailer space or the travel trailer parking area for a period in excess of thirty (30) days. A register of all occupants, the space occupied, and the time of arrival and departure shall be maintained.

**SR 20. Service Stations (includes the screened storage of inoperable vehicles); Automobile Washing Facilities**

- (a) Outdoor storage of not more than five (5) inoperable vehicles associated with the above uses shall be completely screened by a screening device at least six (6) feet in height and ninety percent (90%) opaque.
- (b) Uses subject to this note shall be developed in such a manner as to prevent dust and tracking of mud and debris onto adjoining streets.

**SR 21. Taxi Terminals**

- (a) All storage, repair and service facilities shall be in a completely enclosed building.

**SR 22. Builders Supply Dealers**

- (a) All outside storage shall be completely screened from view from all streets and adjacent residentially zoned property.
- (b) Security fencing, a minimum of six (6) feet in height, shall be provided around all outside storage areas.
- (c) All storage areas shall be maintained in a manner so as to prevent dust from adversely impacting adjacent properties.
- (d) Uses subject to this note shall be developed in such a manner as to prevent dust and tracking of mud and debris onto adjoining streets.

**SR 23. Airports or Air Transportation Facilities.**

- (a) The minimum area shall be fifty (50) acres for Basic Utility Stage 1 airport with two thousand (2000) foot runway.
- (b) Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6) feet in height.

**SR 24. Ammunition, Small Arms.**

- (b) No such facility shall locate within a five hundred (500) foot radius of any residentially zoned property.
- (b) Security fencing shall be provided along the entire boundary of such a facility.

- (c) The facility and its operation shall observe all Fire Prevention and Protection requirements.

**SR 25. Asphalt Plant**

- (a) Any asphalt plant operations shall be located at least fifty (50) feet from any property line.
- (b) Security fencing, a minimum of six (6) feet in height, shall be provided around the perimeter of the operation.
- (c) Rehabilitation:
  - 1. Within one (1) year after the cessation of production, all equipment and stockpiles incidental to such operation shall be dismantled and removed by and at the expense of the owner.
  - 2. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainageways, nor to appreciably increase the humidity of any natural water course, or to occlude any existing drainage course.
- (d) All unpaved storage areas shall be maintained in a manner, which prevents dust from adversely impacting adjacent properties.
- (e) Access:
  - 1. Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.
  - 2. Access roads shall be located no closer than fifteen (15) feet to any property line other than a railroad right-of-way line.
  - 3. A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic. Such routes shall be adhered to.

**SR 26. Landfill, Building Debris, Private**

- (a) Setback: There shall be fifty (50) foot minimum distance from any property line.
- (b) Use Separation: There shall be a three hundred (300) foot minimum separation from any residence.
- (c) Access: Access to the landfill shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.
- (d) Dust: All unpaved areas shall be maintained in a manner, which prevents dust from adversely impacting adjacent properties.

- (e) Operation: No filling is permitted in any flood hazard area. No filling is permitted in minor drainageways unless the drainage has been piped in accordance with approved plans. No filling is permitted in utility easements.
- (f) Signs: An information board sign shall be posted and maintained at the entrance, listing the name and phone number of the current operator, the types of material accepted, and the hours of operation.

**SR 27. Landfill, Sanitary, Private**

- (a) An operations and rehabilitation plan shall be submitted for approval prior to permitting.
- (b) Direct illumination resulting from the operation shall not fall upon any land not covered by the application.
- (c) Equivalent sound levels at the boundaries of the fill site shall not exceed the following standards:
  - between 7:00 a.m. and 7:00 p.m. 60 DBA
  - between 7:00 p.m. and 7:00 a.m. 55 DBA
- (d) The Rehabilitation Plan shall be referred to the Soil and Water Conservation District for review and recommendation, in particular regarding the landscape material specified, the planting and maintenance proposed to insure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.
- (e) The permanent roads, defined as those to be used in excess of one (1) year, within the fill site shall be surfaced with a dust free material, such as soil cement, bituminous concrete or Portland Cement concrete.
- (f) Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons are an acceptable means of dust inhibition.
- (g) Where the proposed fill shall take place within three hundred (300) feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six (6) feet high shall be installed.
- (h) The operations plan and the rehabilitation plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consistent with good practices and so that rehabilitation proceeds in concert with filling.

**SR 28. Mining and Quarrying**

- (a) Setback.

1. The edges of any pit where a mining operation is taking place, any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial use operated in conjunction with the mine or quarry shall be located at least fifty (50) feet from any property line.
  2. Where the mining operation site is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.
- (b) Security fencing, a minimum of six (6) feet in height, shall be provided around the perimeter of both existing and abandoned operations.

(c) Rehabilitation:

1. Within one (1) year after the cessation of production at all mining operations, all equipment and stock piles incidental to such operation shall be dismantled and removed by and at the expense of the owner.
2. Except in a case where redevelopment for another permitted use is in progress on the site of an abandoned extraction operation, all excavations shall be graded to reduce the surface to gently rolling topography in substantial conformity to the land area immediately surrounding, and shall be planted with a cover of sod, trees, shrubs, legumes, or grasses which will minimize erosion due to wind or rainfall.
3. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties of public ways, nor to appreciably increase the humidity of any natural water course, or to occlude any existing drainage course.

(d) All operations involving blasting discernable beyond the external property line of a quarry shall only be conducted between the hours of 7:00 am and 6:00 pm.

(e) All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

(f) Access:

1. Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.
2. Access roads shall be located no closer than fifteen (15) feet to any property line other than a railroad right-of-way line.
3. A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic. Such routes shall be adhered to.

**SR 29. Petroleum and Related Products (Wholesale or Manufacturing).**

(a) Setback:

1. Storage tanks protected by either an attached extinguishing system approved by the Fire Marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or height of the tank, except that such distance need not exceed one hundred and twenty (120) feet.
4. Storage tanks not equipped as indicated in (1) above shall not be located closer to an exterior property line than a distance equal to one and one-half (1/2) times the greater dimension of either the diameter or height of the tank, except that such distance need not exceed one hundred and

seventy-five (175) feet.

- (b) Above ground storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.
- (c) Gravel or paved roadways shall be provided to all storage tanks.
- (d) Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.
- (e) Dikes:
  - 1. Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainageways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.

Dikes or retaining wall shall be of earth, steel, concrete, or solid masonry designed and constructed to be liquid-tight and to withstand a full hydraulic head. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet in width. The slope shall be consistent with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, drums, or barrels shall be permitted within the diked area.
  - 2. Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be designed so that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.

(f) Tank Maintenance:

1. All storage tanks shall be maintained in a leak-proof condition with an adequately painted, rust-free exterior surface.
2. A firm substratum shall be constructed under each storage area to eliminate differential subsidence and to prevent the product from seeping.

(g) All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association.

**SR 30. Pottery and Related Products**

- (b) All outside display areas shall be setback from public streets and adjoining property lines one-half (1/2) the minimum required building setback.

**SR 31. Water Treatment Plants, Non-Governmental Public; Sewage Treatment Plants, Non-Governmental Public**

In all residential districts such plants shall meet the following standards:

- (a) No use shall be made of the site that is not directly related to the operation of the plant.
- (b) All buildings shall meet the minimum yard setbacks for the district in which located or twenty (20) feet whichever is the greater.
- (c) Screening shall be provided adjoining residential property lines with a six (6) feet high, ninety percent (90%) opaque screen.
- (d) All structures shall be enclosed by a chain link fence at least eight (8) feet in height.

**SR 32. Wireless Telecommunication Towers and Facilities**

A site plan shall be submitted containing the name of the tower owner, property owner, scale, north arrow, and latitude/longitude coordinates. Existing site conditions, including contours, any unique natural or man-made features such as vegetation and ground cover. Exact boundary lines of the property containing the proposed tower construction, fall radius and any associated guide wires. Description of adjacent land use and all property owners(s) and their addresses.

A front and side elevation profile, drawn to scale, of all existing and proposed towers and their antennas to be located on the property.

Wireless telecommunication towers and facilities located on property owner by the City of Archdale shall not be subject to a Special Use Permit nor to the standards of this Special Requirement.

- (a) Towers shall have a setback of one foot for each one foot in height of tower, plus twenty-five (25) feet from all property lines and rights-of-way, as measured from ground level.
- (b) Towers shall not be located within a one-half (1/2) mile radius of any other wireless telecommunication tower, unless concealed in a church steeple, farm silo, or other architecturally designed encasement. Furthermore, towers located beyond a one-half (1/2) mile radius and not exceeding three (3) mile radius from any other wireless telecommunication tower shall not be permitted, unless the applicant can prove that co-location is not a viable option and no stealth location is possible.
- (c) Towers shall be no closer than five hundred (500) feet from any existing residential dwelling, excluding any dwellings located on the same parcel of land as the tower.
- (f) Towers shall not exceed three hundred and fifty (350) feet in height as measured from ground level.
- (g) Towers with a height greater than one hundred-fifty (150) feet shall be constructed to permit the capability for the co-location of additional provider antennas as follows:
- |                        |                           |
|------------------------|---------------------------|
| 151 feet to 200 feet - | two additional antennas   |
| 201 feet to 250 feet - | three additional antennas |
| 251 feet to 300 feet - | four additional antennas  |
| 301 feet to 350 feet - | five additional antennas  |
- (h) The applicant shall be required to provide written documentation showing that no propose tower lies within a thirty (30) foot to one (1) foot run to rise ratio from the nearest point of the nearest runway of a private airstrip or airport registered with the Federal Aviation Administration (FAA).
- (i) No business signs, billboards, or other advertising shall be installed on a tower, nor shall any tower be painted or have a color considered obnoxious or offensive.
- (j) No offices or outdoor storage of equipment or materials are permitted on tower sites located in a residential district.
- (k) Accessory or component buildings shall be setback fifty (50) feet from all property lines and rights-of-way.
- (l) All structures shall be enclosed by a chain link fence at least eight (8) feet in height and screened with a six (6) foot high, ninety percent (90%) opaque screening.
- (n) The applicant shall be required to provide written documentation stating that the tower is in compliance with all applicable Federal and State regulations.



- (n) Notice shall be provided to the Zoning Administrator when any telecommunication tower is placed out of service. Towers not used for a period of six (6) months or more shall be removed by the owner within one hundred and twenty (120) days of receipt of notification to that effect. The applicant shall also provide the City with written documentation substantiating that the applicant has and will sustain the financial ability to disassemble and remove the tower, once no longer in operation.
- (o) Additional provider antennas and equipment shelters associated with an approved telecommunication tower site are permitted, provided said changes do not increase the setback- requirement beyond the allowable limit according to tower height.
- (p) Tower lighting shall not exceed the minimum for obstruction lighting as administered by the Federal Aviation Administration (FAA).
- (q) All permits, for the construction of a wireless telecommunication tower are issued in reliance upon a presumption that the tower will in fact conform to the plans which are submitted as the basis for the permit. Once constructed, the tower must continue to be maintained in compliance with the provisions of this ordinance.
- (r) The applicant shall be required to notify all property owners within a one-half (1/2) mile radius of a proposed tower with a height greater than two hundred-fifty (250) feet. The notice shall be by certified mail and shall include tower height and design type and date, time and location of proposed meeting.
- (s) The applicant shall be required to provide written documentation stating that it is not viable to co-locate on existing facilities within the coverage area. Facilities includes other towers, elevated tanks, electrical transmission lines, or other structures.
- (t) The applicant shall provide the City with proof of liability insurance which protects against losses due to personal injury or property damage resulting from the construction or collapse of the tower, antenna, or accessory equipment. Such proof shall be supplied to the City by the applicant at the time of application.
- (u) The applicant shall provide to the Zoning Administrator an inventory of its existing antennas and towers that are either within the jurisdiction of the City or within three (3) miles of the border thereof, including specific information about the location, height, and design type of each tower and antenna. The applicant shall also provide an inventory of potential future tower sites within the jurisdiction of the City. The Zoning Administrator may share such information with other applicants; however, that by sharing this information, it is not in any way representing or warranting that such sites are available or suitable.

### **SR 33. Adult Oriented Business**

- (a) No such business shall locate within one thousand (1,000) feet of any other Adult Oriented Business, as measured in a straight line from property line to property line.

- (b) No Adult Oriented Business shall be located within one thousand (1000) feet of a church, public or private elementary or secondary school, library child day care or nursery school, public park, residentially zoned or residentially used property, or any establishment with an on-premise ABC license, as measured in a straight line from property line to property line.
- (c) The gross floor area of any Adult Oriented Business shall not exceed three thousand (3,000) square feet and all business related activity shall be conducted in a building.
- (d) Except for an adult motel, no Adult Oriented Business may have sleeping quarters.
- (e) There shall not be more than one (1) Adult Oriented Business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any Adult Oriented Business.
- (f) Except for signs as may be permitted by Article IX of this Ordinance, no printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.
- (g) No enclosed or underground parking shall be permitted.

**SR 34. Temporary Events and Structures**

The Zoning Administrator may issue a permit for temporary events and structures provided he makes the following affirmative determinations:

- (a) The duration of the event will be for fourteen (14) days or less.
- (b) The location for the event has not had more than two (2) temporary events in the past twelve (12) months and no events in the past thirty (30) days.
- (c) The owner of the property, or his agent, has authorized in writing for the event to be held on the property.
- (d) The application for the permit is made at least five (5) working days prior to the event.
- (e) That ample off-street parking is available.
- (f) That arrangements are made for suitable garbage disposal and site clean-up.
- (g) That activities within one thousand (1,000) feet of residences not on the site are to be conducted in such a manner as to not create noise that will disturb the occupants of residences.

**SR 35            Restaurants (with drive through)  
                     Restaurants (no drive through)**

- (d)      Amplified sound shall not be detectable on adjoining property zoned residential.
- (e)      Provisions for lighting, traffic circulation, buffering and noise mitigation shall be presented to review with the special use permit application.
- (f)      Any restaurant permitting on premises consumption of alcoholic beverages shall meet the following additional requirements:
  - (1) The main entrance shall be oriented away from any adjoining residentially zoned property.
  - (2) Parking and parking circulation areas shall be no closer than twenty (20) feet to the Property line of any adjoining residentially zoned property.
  - (3) A six (6) foot opaque fence shall be erected at the property line of adjacent Residentially zoned property.

**SR 36            Hotels and Motels.**

- (e)      The lot or parcel shall have direct access to a major or minor thoroughfare.
- (f)      Where the property line of the hotel or motel is adjacent to property in a Residential Zoning District or a residential use, all hotel and motel buildings shall be located at least 50 feet within the property line of the hotel or motel. Buffer strips as defined in Section 10.2(a) shall be provided along the property line abutting the Residential Zoning District or residential use.
- (g)      The isosceles triangle (yard space triangle) method shall be implemented as per Article VII(l). At no point shall any part of the hotel or motel building be less than 50 feet from the property line of the hotel or motel.
- (h)      Any accessory commercial activities such as restaurants and any outdoor recreational activities such as swimming pools shall not be located along the side of the property adjacent to a Residential Zoning District or residential use.

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